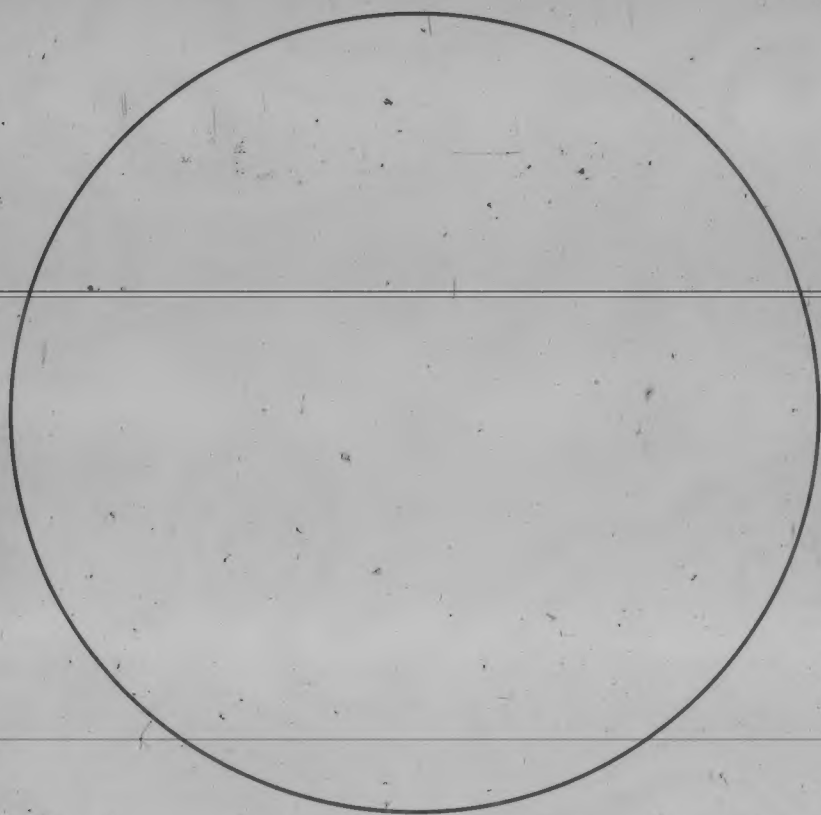
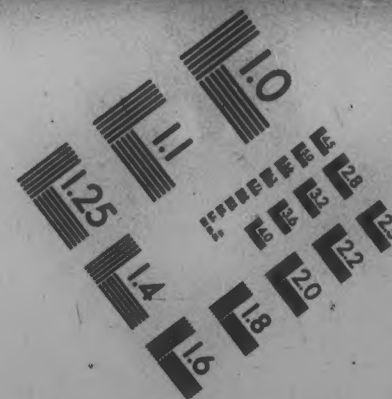
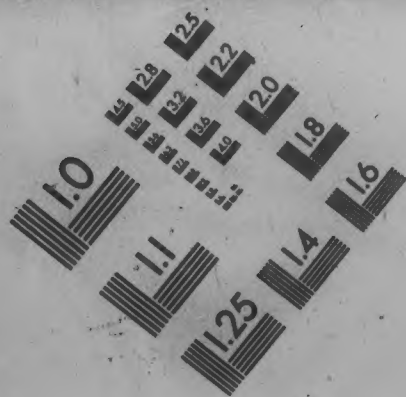


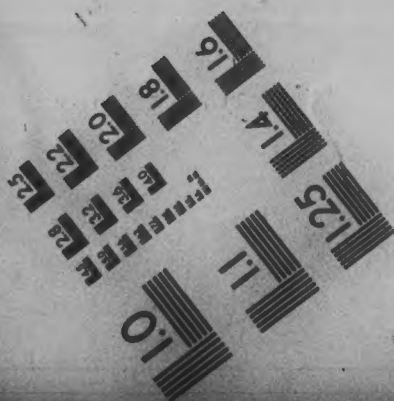
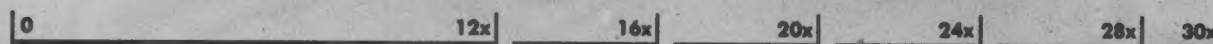


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 345

CHEROKEE R781 - R837

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher R 781

Cher R 781

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 21, 1900.

IN THE MATTER OF THE APPLICATION OF JOHN W. HORN FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN, AS CHEROKEE CITIZENS.

The said John W. Horn, being sworn and examined by Commissioner T. S. Needles, testified as follows:

- Q What is your name? A John W. Horn.
- Q What is your age? A Fifty-five.
- Q What is your post office address? A Chapel Hill, Texas.
- Q What district do you live in? Or Do you live in Texas?
- A Yes, sir.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
- Q By blood or intermarriage? A By blood.
- Q Does your name appear upon the authenticated roll of 1890?
- A It does not, but I have papers here.
- THE COMMISSIONER: The applicant presents a certificate of admission, issued from the Executive Department of the Cherokee Nation under date of April 10, 1890, signed by C. L. Harris, assistant executive secretary, under the great seal of the Cherokee Nation, certifying that, among others, one John W. Horn was admitted to citizenship on the 12th day of January, 1883.
- Q Are you the identical John W. Horn mentioned in this certificate? A I am.
- Q For whom do you apply? A For myself and wife, Mrs. Lula Horn and my three children.
- Q What is your wife's name? A Lula.
- Lula Z. Horn.
- Q What is her age? A Thirty-four.
- Q When were you married? A July 16th, 1882.
- Q Was she a white person? A Yes, sir.
- Q Have you any certificate of marriage? A Not with me but I filed the certificate with your commission two or three years ago.
- Q Is there anybody present who knows you are married?
- A My brother is present.
- Q What does he know? A He knows that we have been living together as man and wife.

R. L. HORN, BEING SWORN AND EXAMINED BY THE COMMISSIONER, TESTIFIED AS FOLLOWS:

- Q What is your name? A R. L. Horn.
- Q What is your post office? A Ray Mills, Texas.
- Q What is your age? A Twenty-nine.
- Q Do you know John W. Horn? A Yes, sir; he is my brother.
- Q Do you know his wife Lula Z? A Yes, sir.
- Q Do you know whether they are married or not? A I met them about eighteen years ago and she was introduced to me as his wife.
- Q Have they ~~xxxx~~ been living together since that time as man and wife? A Yes, sir.

Q I recognized in the community where they lived and everywhere
as man and wife? A Yes, sir.

Witness excused.

-----o-----

(Examination of applicant continued.)

Q You say you filed with the Dawes Commission a certificate of
marriage? A Yes, sir.

Q What are the names of your children? A Pearl W.

Q How old is she? A Fifteen.

Q What is the next one? A Ruby E.

Q How old? A Seven years old.

Q The next one? A Mary W., five years old.

Q These children are alive and living with you? A Yes,
sir.

Q Does your name appear upon any of the rolls of the Cherokee
Nation? A I think it does on the 1894 roll.

1894 Roll, age 206, No. 1964, Jno. W. Horn, Cooweescoowee
District.

1894 Roll, page 206, No. 1964, Ruby Horn, Cooweescoowee District.

1894 Roll, page 206, No. 1965, Pearl Horn, Cooweescoowee District.

Q The youngest child does not appear on any roll, having been
born since the same was compiled. A Yes, sir.

BY MR. HUTCHINGS: (Counsel for Cherokee Nation)

Q What was the date of your marriage to your wife? A 1882,
July 16th.

Q Where were you residing when you were admitted to citizenship?
A I was residing in Texas.

Q Have you resided there continuously ever since? A Yes,
sir.

Q You have never resided in the Cherokee Nation at all, have
you? A No, sir. Will you let me give my reason?

Q I just wanted the facts. You may explain afterwards.

Q You were not born in the Cherokee Nation? A No, sir; I was born
in Texas.

Q And you have lived in that state from the time of your birth
until the present time? A Yes, sir.

Q That is all. Now, give your explanation.

A My explanation is this: At the time my citizenship was
recognized I was a minister in the Methodist Church, and during the
year 1883, during the latter part of that year just before the con-
ference met, I made an effort to secure an appointment within the
bounds of the Cherokee Nation. My presiding elder and bishop decided
my services were more needed in Texas. I have filled appointments
in churches at Galveston and Houston, and they have kept me there.
I am now making efforts for employment on this conference. I have
been willing and desirous to come all the while, but I have been sub-
ject to the appointment of the bishop, and if you want information
about that you can get it.

Q Have you any property in the Territory? A Yes, sir.

Q Improved property? A Well, one piece is improved, and the
other is not. The town lots were improved.

THE COMMISSIONER: The name of John W. Horn appears upon
the roll of 1894, as well as the names of his children, except his
youngest child which was born since said roll was compiled. He pre-
sents a certificate of admission more particularly described in the
testimony, certifying that he was admitted to Cherokee citizenship

on the 12th day of January, 1883. He avers that he was married to his wife Lula Z., a white person, in the year 1882, which date was prior to the date of his admission: consequently, the application for the enrollment of his wife Lula Z., will be rejected. Final decision as to the enrollment of the said John W. Horn, and the said children will be suspended, and their names will be placed upon a do not trust card, the testimony showing he is a resident of the State of Texas, and has been since he was admitted.

----- 07 -----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in the above application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

M. J. McWhorter

Subscribed and sworn to before me this 3rd day of October
A. D. 1907.

C. H. Hunter

Commissioner.

U. S. DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE GENERAL LAND OFFICE
WASHINGTON, D. C.
SEP 21 1900

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

SEP 21 1900

Date

1900

Name

John W. Horn

District

COOWEESCOOWEE.

Year

1894

Page

206

No.

1964

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Lena J. Horn

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

1 Pearl W. Horn

Dist. COOWEESCOOWEE.

Year

1894

Page

206

No.

1965

Age

15

2 Ruby L. Horn

Dist. COOWEESCOOWEE.

Year

1894

Page

206

No.

1966

Age

7

3 Mary M. Horn

Dist.

Year

Page

No.

Age

5

Dist.

Year

Page

No.

Age

Dist.

Year

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No.

Age

Dist.

Year

Page

No.

Age

1 on 1894 roll as John W. Horn

2 " " " " Pearl " "

4 " " " " Ruby " "

5 Affidavit of birth to be supplied

1894

Supl.-C.D. #321 379.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN W. HORN,
ET AL., as a citizens of the Cherokee Nation:

The applicant was notified by registered letter February 10, 1902, that his application for enrollment of himself and children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 26th day of February, 1902, and that on said day, to-wit: the 26th day of February, 1902, this case was called and he appeared by his attorney C. E. Castle, Wagoner, Indian Territory, and moved that the same be continued until the 28th day of February, 1902. His request was complied with. The case has this day, to-wit: the 28th day of February, 1902, ~~been~~ been called, and the applicant failed to respond either in person or by attorney and it is directed that the same be closed and reported to the Commission for a final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.


Commissioner.

6379

20

IN RE

Application for Enrollment of

INFANT CHILD

Wm. H. Jones

as a citizen of the

United States

Nation.

Approved, Sept 19, 1902 1902

Commissioner.

COMMISSION TO THE

FILED

SEP 19 1902

CHIEF CLERK

6379

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Nation,
of Wm. H. Dixon, born on the 21 day of March, 1895
Name of Father: John N. Dixon, a citizen of the Nation,
Name of Mother: Anna N. Dixon, a citizen of the Nation,
Post-office: Chapel Hill, N.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY

District.

I, Anna N. Dixon, on oath state that I am
years of age and a citizen, by marriage of the Cherokee Nation;
that I am the lawful wife of John N. Dixon, who is a citizen, by
marriage of the Cherokee Nation; that a son child was
(male or female)
born to me on the 21 day of March, 1895; that said child has been
named William H. Dixon, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Lula J. Brown

Subscribed and sworn to before me this 2nd day of October 1901.

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

Territory of Oklahoma.
Roger Mills County.

I, Mary J. Rogers, an attendant, on oath state that I
attended on Mrs. Lucy Horn, wife of J. W. Horn,
on the 27 day of April 1895; that there was born to her on
said date a female child; that said child is now living and is said to have been
named Mary Margaret.

WITNESSES TO MARK

Mary J Rogers

(Must be Two
Witnesses)

Subscribed and sworn to before me this 23rd day of October 1901.

NOTARY PUBLIC.

my Comm Ex May 20-1905
J. I. Howard

Applicat

Approved

COPY.

Cherokee D-379.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Horn for the enrollment of himself and his three minor children, Pearl M., Ruby L. and Mary M., as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 21, 1900, John W. Horn appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of himself and his three minor children, Pearl M., Ruby L., and Mary M. Horn, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lula Z. Horn, as a citizen by intermarriage of the Cherokee Nation. Lula Z. Horn has been listed ~~for~~ upon Rejected Card Field No. 159.

It appears from the evidence in support of this application and from the records of the Cherokee Nation in possession of this Commission that John W. Horn was admitted to citizenship in the Cherokee Nation January 12, 1883. He is identified on the 1894 Pay Roll of the Cherokee Nation, and his children Pearl M. and Ruby L. Horn are identified on that roll. It further appears from the evidence that John W. Horn has resided in the state of Texas continuously since January 12, 1883, and that Pearl M., Ruby L. and Mary M. Horn are living with him. It does not appear that the applicants, or any of them, have ever resided in the Cherokee Nation or Indian Territory.

The law applicable to this case is found in Par. 9, Sec. 21, of the act of Congress, June 28, 1898 (30 Stats., 495:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

Cherokee D-379.

It is therefore the opinion of this Commission that John W. Horn, Pearl M. Horn, Ruby L. Horn and Mary M. Horn are not lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGN)

Eric Dixby.

Acting Chairman.

T. J. McLes.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this NOV 20 1902

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of JOHN W. HORN, ET AL., for
enrollment as citizens of the Cherokee Nation, C. D. 379.

Protest of the Cherokee Nation.

The representatives of the Cherokee Nation, having read the
motion for a new hearing in the matter of the application for the
enrollment of John W. Horn and the members of his family, submit
that the same should not be allowed, but should be denied, for the
reason that there are no grounds whatever set up in the motion that
would entitle the applicants to a new hearing.

Respectfully submitted,

Attorney for the Cherokee Nation.

6

20379

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 18 1902

[Handwritten signature]

COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10th

10002

Mr. John W. Horn,
Chapel Hill, Texas,

Sir:-

You are hereby notified that the application of yourself and three minor children.

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

26th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with birth affidavit for Mary M.; also a certificate of marriage of yourself and Lula Z.

Yours truly,

Cherokee D-379

Register.

Acting Chairman.

Cherokee D-379.

Muskogee, Indian Territory, November 26, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John W. Horn for the enrollment of himself and his three minor children, Pearl M., Ruby L. and Mary M. Horn, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc. H-148.

COMMISSIONERS
HENRY L. DAWES
TAMM HIXRY
THOMAS B. NEEDLES
C. R. BARKER KINKADEE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOTED IN REPLY TO THE FOLLOWING

Cherokee D-379.

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, November 25, 1902.

John W. Horn,
Chapel Hill, Texas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting your application for the enrollment of yourself and your three minor children, Pearl M., Ruby L. and Mary M. Horn, as citizens by blood of the Cherokee Nation.

There has this day been forwarded your attorney, C. E. Castle, Wagoner, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,


Acting Chairman.

Enc. H-145.
Register.

Cherokee D-379.

Muskogee, Indian Territory, November 25, 1902.

C. E. Castle,

Attorney for John W. Horn, et al,

Wagoner, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application of John W. Horn for the enrollment of himself and his three minor children, Pearl M., Ruby L. and Mary M. Horn, as citizens by blood of the Cherokee Nation, together with the Commission's decision, dated November 20, 1902, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-146 .
Register.

Cherokee D-379.

Muskogee, Indian Territory, November 25, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of John W. Horn for the enrollment of himself and his three minor children, Pearl M., Ruby L. and Mary M. Horn as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-147.

(Copy)

Refer ~~in~~ reply to the following:
Land
71,264-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Dec.13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith, a report dated November 25, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes, relative to the application of John W. Horn for the enrollment of himself and his minor children, Pearl M., Ruby L., and Mary M. Horn, as citizens of the Cherokee Nation. November 20, 1902, the Commission held that the applicants were not entitled to enrollment.

The record shows that John W. Horn was admitted to citizenship in the Cherokee Nation January 12, 1883. His name appears on the 1895 Cherokee pay roll and the names of his children, Pearl M. and Ruby L., are also on that roll.

The record also shows that John W. Horn and the other applicants have resided in the State of Texas since January 12, 1883.

Not having resided in the Indian Territory on June 28, 1898, they are not entitled to enrollment and the approval of the Commission's decision is recommended.

Very respectfully,

A. C. Tonner,
Commissioner.

(G.A.W.)P.

D.C.26045.

EAF.

DEPARTMENT OF THE INTERIOR,

Washington, December 26, 1902.

ITD.7721-1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

November 25, 1902, you transmitted the record in the matter of the application for enrollment of John W. Horn and his minor children, Pearl M., Ruby L. and Mary M. Horn, as citizens by blood, and for enrollment of his wife, Lula Z. Horn, as a citizen by intermarriage, of the Cherokee Nation.

The evidence shows that John W. Horn was admitted to Cherokee citizenship in 1883; that he and his family have resided continuously in the State of Texas since his admission to citizenship; that none of the applicants has ever resided in the Indian Territory. It appears from your decision of November 20, 1902, that Lula Z. Horn has been listed for rejection. In accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495), you denied the application as to John W., Pearl M., Ruby L. and Mary M. Horn.

The Acting Commissioner of Indian Affairs recommends approval of your decision. Copy of his letter of December 13, is inclosed herewith.

-2-

The Department affirms your decision.

Respectfully,

(signed) Thos. Ryan
Acting Secretary.

1 inclosure.

Cherokee D 379.

Muskogee, Indian Territory, January 6, 1903.

John W. Horn,
Chapel Hill, Texas.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of yourself and your three minor children, Pearl M., Ruby L. and Mary M. Horn, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 26, 1902.

Respectfully,

Acting Chairman.

Cherokee D 379.

Muskogee, Indian Territory, January 6, 1903.

Castle,
Agent for John W. Horn et al,
Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision,
dated November 20, 1902, rejecting the application of John W. Horn
for the enrollment of himself and his three minor children, Pearl M.,
Ruby L. and Mary M. Horn, as citizens by blood of the Cherokee Na-
tion, was affirmed by the Secretary of the Interior on December 26,
1902.

Respectfully,

Acting Chairman.

Cherokee D 379.

Muskogee, Indian Territory, January 6, 1903.

W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of John W. Horn for the enrollment of himself and his three minor children, Pearl M., Ruby L. and Mary M. Horn, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 26, 1902.

Respectfully,

Acting Chairman.

D.C.8894-1904.

JP FHE

I.T.D. 7721-1902
7162-1903
1484- "

Department of the Interior,
Washington.

March 5, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 26, 1902, the Department affirmed your decision rejecting the application for the enrollment of John W. Horn and his minor children, Pearl M., Ruby L., and Mary M. Horn, as citizens by blood of the Cherokee Nation.

On September 21, 1903, you requested that this case, among others, be remanded to you for readjudication under the ruling of the Department in the Yeargain case.

The Department does not consider, in view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, that the facts warrant the remanding of this case. It appears that at the time the testimony was taken in the case, September 21, 1900, John W. Horn was 55 years of age; that he was admitted to citizenship in the Cherokee Nation January 12, 1883; that he was born in the state of Texas and has resided there since his birth. Said children have lived with him. His name is found on the 1894 pay roll of said Nation.

It is not considered necessary, for the reasons given, to remand the case involving the application of Lula Z. Horn, wife

of said John W. Horn, for enrollment as an intermarried citizen of the Cherokee Nation, the application in which case was rejected by the Department February 19, 1903.

Respectfully,

Signed: Thos Ryan

Acting Secretary.

COPY.

Cherokee R-781.

Muskogee, Indian Territory, November 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application for the enrollment of John W. Horn and his minor children as citizens by blood of the Cherokee Nation, Cherokee R-781, there is herewith inclosed a motion for a rehearing in said case, filed with the Commission on November 7, 1904, by C. S. Castle, attorney for applicants.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

Incl. S-44.

Through the

Commissioner of Indian Affairs.

I.T.D.11826-
1904.

DEPARTMENT OF THE INTERIOR,
Washington,
December 7, 1904.

J.P.

F.H.G.

L.H.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered a motion for rehearing in the Cherokee enrollment case of John W. Horn, et al, received with your letter of November 11, 1904.

The application of Horn for the enrollment of himself and three minor children was rejected by the Department December 26, 1902, affirming your decision in the matter.

The motion bears no evidence of service of a copy thereof on the attorneys for the Cherokee Nation, and for that reason, and because it is entirely insufficient to warrant a rehearing, it is denied. You will so advise C. E. Castle, the attorney filing the motion.

Respectfully,

(Signed) Tho's. Ryan.
Acting Secretary.

COPY.

Cherokee
R-781.

Muskogee, Indian Territory, December 19, 1904.

C. B. Castle, Attorney for
John W. Horn, et al.,
Wagoner, Indian Territory.

Dear sir:

The Commission is in receipt of Departmental letter of December 7, 1904, returning the motion for rehearing in the case of John W. Horn, et al., Cherokee R-781, which you filed with the Commission on November 7, 1904.

The Commission is requested to advise you that the motion bears no evidence of service of a copy thereof on the Attorneys for the Cherokee Nation and for that reason and because it is entirely insufficient to warrant a rehearing it is denied.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

Muskogee, Indian Territory, September 26, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith motion of C. E. Castle, attorney for John V. Horn, et al., to have reopened for further hearing the Cherokee enrollment case of John V. Horn, et al., applicants for enrollment as citizens by blood of the Cherokee Nation. A copy of the same has been served on the attorney for the Cherokee Nation. There is also inclosed protest of the Cherokee Nation against the granting of the motion.

The record in this case shows that on September 21, 1900, John V. Horn made application for the enrollment of himself and children, Pearl M., Ruby L. and Mary M. Horn, as citizens by blood, and for the enrollment of his wife, Lula Z. Horn, as a citizen by intermarriage of the Cherokee Nation. The principal applicant, John V. Horn, was admitted to citizenship in the Cherokee Nation on January 12, 1883, his name and the names of his children, Pearl M. and Ruby L. Horn, are identified on the Cherokee pay roll of 1894. Said applicants have never made their home in the Cherokee Nation.

The decision of the Commission to the Five Civilized

Tribes, dated November 20, 1902, rejecting the application for the enrollment of John W., Pearl W., Ruby L. and Mary M. Worn as citizens by blood of the Cherokee Nation, was approved by the Secretary of the Interior on December 26, 1902. On September 21, 1903, the Commission to the Five Civilized Tribes requested that this case, among others, be remanded for readjudication under the ruling of the Department in the Yeargin case, and on March 5, 1904 (I.T.D. 7721-1902, 7162-1903, 1484-1903), advised that it did not consider "in view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, that the facts warrant the remanding of this case." On December 7, 1904 (I.T.D. 11826-1904), the Department advised the Commission that it had considered the motion for reopening in the Cherokee enrollment case of John W. Worn, et al., stating that "the motion bears no evidence of service of a copy thereof on the attorneys for the Cherokee Nation, and for that reason, and because it is entirely insufficient to warrant a rehearing, it is denied," and this office was instructed to so advise C. E. Castle, the attorney filing said motion.

In view of the record in this case and the allegations set forth in the motion, this office does not consider the same sufficient to warrant a rehearing, and recommends that the motion be denied. It is noted that this motion was sworn to on

March 24, 1905, but the same was not filed in this office until September 14, 1905.

Respectfully,

GHL
Incl. CL-17

Commissioner.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Refer in reply
to the following
Land
85782-1904
78033-1905

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,
WASHINGTON. October 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 7, 1904 (I.T.D. 11326), there is inclosed a report from the Commissioner to the Five Civilized Tribes, transmitting motion of C. E. Castle, attorney for John W. Horn, et al., to have reopened for further hearing Cherokee enrollment case of John Horn, et al., applicant for enrollment as citizens by blood of the Cherokee Nation. A copy of the motion has been served on the attorney for the Cherokee Nation. The Commissioner also enclosed protest of the Cherokee Nation against the granting of the motion. The record in the case is also enclosed.

November 20, 1902, the Commission to the Five Civilized Tribes rejected the application for the enrollment of John W., Pearl M. Ruby L., and Mary M. Horn, as citizens by blood of the Cherokee Nation, and the Department approved the Commission's decision December 26, 1902.

September 21, 1903, the Commission to the Five Civilized Tribes requested that the Horn case, among others, be remanded for readjudication, in accordance with departmental decision in the Yeargan case.

March 5, 1904, (I.T.D. 7721-1902), the Department advised the Commission that it did not consider the facts warranted the remanding of this case in view of the opinion of the Assistant Attorney General on December 29, 1903, in the Allie Williams case. A motion was subsequently filed for the reopening of the Nori case, which motion was denied by the Department December 7, 1904.

In view of the previous action in the case, the Commissioner does not consider the facts set forth in the motion sufficient to warrant the Department in directing a reopening, and he recommends that the motion be denied.

Very respectfully,

C. F. Larrabee

Acting Commissioner

RAW-D

D. C. 49925-1905
I.T.D. 13264-1905

Y.P.
PHE

I. R. S

DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 28, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 6, 1905, the Indian Office submitted your report of September 26, 1905, transmitting a motion for rehearing on behalf of the applicants in the Cherokee enrollment case of John W. Horn, for himself and minor children, Pearl M., Ruby L., and Mary M. Horn.

Pearl M. was born about 1885; Ruby L., about 1893, and Mary M. about 1895.

December 26, 1902, the Department affirmed the decision of the Commission to the Five Civilized Tribes adverse to the applicants, and on December 7, 1904, a motion for rehearing was denied.

The motion now under consideration presents no question of law or fact not previously considered. It is shown by the testimony taken in 1900 that the principal applicant was admitted to citizenship in the Cherokee Nation January 12, 1883, and that he had resided in Texas continuously since that time; also that said

children had resided with him. It does not appear that any of the applicants have ever resided in the Cherokee Nation or Indian Territory.

It is shown by the motion now presented that Mr. Horn is residing in California. As he is, and has been for more than twenty years, a minister of the Gospel, of the Methodist Episcopal Church south, and subject to the appointment of the bishop of such church, and as he made several efforts to be assigned to the Indian Territory, it is contended that he is excused from residence in the Cherokee nation.

The Cherokee act of December 4, 1904, provided that all persons who had been readmitted to citizenship should return to the Nation before June 5, 1905. It was stated in the opinion of the Assistant Attorney General of June 15, 1905, in the case of Alice L. Owen, et al., which was approved by the Department, that the object of said act of 1894 "was to require actual and personal return to the nation of those upon whom citizenship had been conferred, not resident in it at or after such recognition."

The motion is denied. A copy of Indian office letter submitting your report is inclosed.

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary

W.R.

1 inclosure

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-781.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 7, 1905.


John W. Horn,

Chapel Hill, Texas.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of October 28, in which the motion filed by your attorney, C. E. Castle, Wagoner, Indian Territory, to have reopened the Cherokee enrollment case of yourself, et al., is denied.

Respectfully,



Commissioner.

Cherokee R-781.

COPY.

Muskogee, Indian Territory, November 7, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of October 28, in which the motion filed in behalf of applicants to have reopened the Cherokee enrollment case of John V. Horn, et al., is denied.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED:

Tamoxixby.

Commissioner.

Incl. S-101

Charokee R-781.

COPY

Muskogee, Indian Territory, November 7, 1908.

C. E. Castle,

Attorney for John V. Horn, et al.,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of October 28, in which the motion filed by you to have reopened the Cherokee enrollment case of John V. Horn, et al., is denied.

For your information, I am inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED)

Tamm
Commissioner.

Incl. S-100.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

4211



John W. Horn,

Chapel Hill, Texas.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

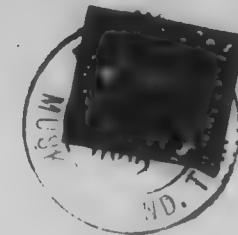
Penalty for private use, \$300.

Registered No. 58

1517

Mr. John W. Horn,

Chapel Hill, Texas.

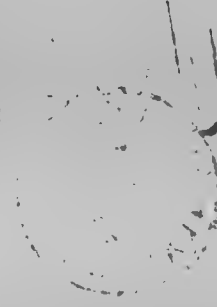


Present Address
Unknown

REGISTERED

JAN 2 1903

En.



Department of the Interior
Commission to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.



Chas R 751
John W. Horn

Unknown

John W. Horn,

~~San Antonio, Texas~~

CHEROKEE

R 781

John H. H.

Received
When Approved By Interior
Dec 26 1880

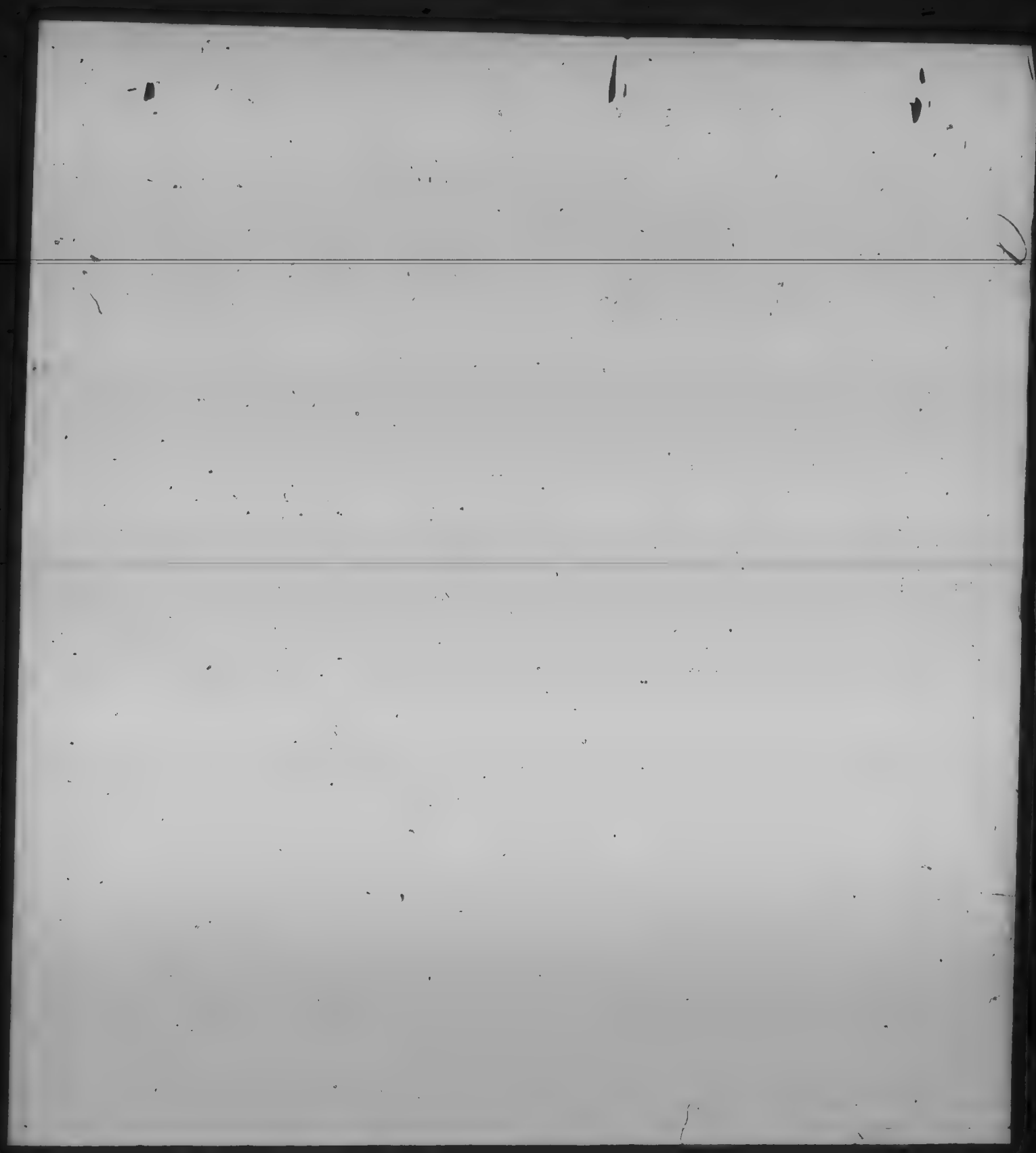
No 781

Transformed from Cherokee
D. 2 14

See (1.1.1.1. 187

Cher R 782

Cher R 782



DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I.T. October 4th, 1900.

IN THE MATTER OF THE APPLICATION OF JAMES H. AKIN FOR THE
ENROLLMENT OF HIMSELF AS A CHEROKEE CITIZEN.

The said James H. Akin, being sworn and examined by Commissioner
C. B. Breckinridge, testified as follows:

Q Give me your full name, please. A James H. Akin.

Q How old are you? A Fifty years old.

Q What is your post office? A Vinita.

Q In what district do you live? A Cooweescoowee.

Q Who is it you want to have put on the roll? A Only myself.

Q Are you a Cherokee by blood? A No, sir.

Q Are you married? A Yes, sir.

Q Are you on the roll of 1880? A Yes, sir. I guess I am on
all the rolls that have been made here since 1880. I have been here
all the time; I haven't been out of the ~~Cherokee~~ Nation. My wife may
be alive there as Akin; her maiden name was Pool. We were married in
Arkansas first.

Q Is your wife living or dead? A Yes, sir; she is here. She
has already enrolled.

1880 Roll, page 215, No. 15, James H. Akin, Delaware District.
Adopted White.

1896 Roll, page 293, No. 33, James H. Akins, Cooweescoowee
District.

Q You were married to your wife in 1880? A Married first in
1872, and then remarried under the Cherokee law in 1880, the 16th day
of June.

Q Her name is Fannie C. Akin, or was? A Yes, sir.

Q And she is still alive? A Yes, sir.

Q Have you lived in the Cherokee Nation ever since 1880? A Yes,
sir. I have lived here since 1879. I come here in 1879.

Q How long ~~xxxx~~ after the roll of 1880 did you and your wife
continue to live together? A Until about a little less than three
years ago.

Q Did you get a divorce from her when you separated from her?

A There was a divorce gotten. She brought suit in the United States
Court and I brought suit in the Cherokee Court.

Q Did you get the divorce from her or did she get a divorce from
you? A She got the divorce.

Q Was the divorce granted to her? A Yes, sir.

Q By the United States Court? A Yes, sir.

Q Were there any children involved in that divorce suit? A ~~Yes~~
Yes, sir.

Q What was done with the children? A She was given custody of
them by consent.

Q When was the divorce granted? A Well, sir, I don't know
the date of it; I think it was in the latter part of 1897.

Q By this Court here at Vinita? A Yes, sir; by Judge Thomas.

Q What was the occasion of that divorce? Did you leave your
wife or did your wife leave you? A Well, sir it was an equal separ-
ation when the suit was brought in the Cherokee Court by me, and then
afterwards she brought a divorce herself.

Q Did she leave you or did you leave her? A I said it was a
mutual separation. We just agreed to separate.

Q You are aware of the Cherokee law? A Yes, sir; under the plea
of abandonment.

Q And the point is whether you are liable to the inhibition of
that law. A I think not. She didn't bring it on the ground of
abandonment. There is no allegation of that kind in her complaint.
There is not a petition for it. I am a lawyer myself, and have been

in the practice for twenty years here in the Cherokee courts, and the custom is to bring a plea in the petition and ask the court to adjudge that.

Q Have you married since you were divorced from your wife? A No, sir.

MR. EVERETT STARR, (Representative of Cherokee Nation) I want to protest against his enrollment under Section 667.

THE COMMISSIONER: The applicant is identified on the rolls of 1880 and 1896 as an intermarried Cherokee. He is a white man. It appears that he was separated from his Cherokee wife some three years ago, and that she was granted a divorce by the United States Court sitting at Vinita, in the year 1897. The Cherokee representative present maintains that under Sec. 667 of the 1892 Edition of the Cherokee laws the applicant forfeited his rights as an intermarried citizen.

The applicant is desired to supply the Commission with a copy of the decree of divorce. And for the further consideration of his case it will at present be placed upon a doubtful card, and he will be informed of the later decision reached by the Commission.

The undersigned, beingsworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October A. D. 1900.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 4 1900

[Handwritten signature]

CHEROKEES BY BLOOD AND ADOPTION.

Name James H. Arkin Date CT 1900 1900.
District 27 Year 1900 Page 27 No. 157

Citizen by blood Yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

None of divorce to be supplied

15720

CHEROKEE NATION

DELAWARE DIST.

To any regular minister of the Gospel or any of the
Judges or Clerk of this Nation to execute and return Greeting.

You are hereby commanded in the name of the Cherokee
Nation to solemnize the Rites of Matrimony of marriage between
James H. Akin a citizen of the United States and Fanny C. Aken a
citizen of the Cherokee Nation by blood formerly Fanny Pool the
said James H. Akin having complied with the Laws of the Cherokee
Nation regulating to intermarriage with citizen of the U.S. and
forgners.

Given from under my hand in Office this 16 day of June
A.D. 1880

(SEAL)

S. J. McGhee
Clerk of Delaware District.

I hereby certify that I did perform the marriage ceremony
between the parties named in the within license this 16th day of June
A.D. 1880

S. G. McGhee,
Clerk Delaware Dist.C.N.

I the undersigned stenographer to the Commission to the
Five Civilized Tribes do hereby certify that the above and foregoing
is a true and correct copy of the original offered in evidence in the
matter of the application for enrollment of James H. Akin as a citizen
of the Cherokee Nation.

Muskogee, Indian Territory,

May 8, 1902.

M. S. Kaufman

United States of America,
Indian Territory, } s. s.
Northern District, }

Be it remembered that at the regular October 1898 term of the United States Court in the Indian Territory, sitting in and for the Northern District thereof, at Vinita, among others, the following proceedings were had, to-wit :

Fannie C. Akin,
No. 710 Equity. vs
James H. Akin.

Now on this the 12th day of November, being one of the regular days of the October 1898 term of the United States Court for the Northern District of the Indian Territory, sitting at Vinita, comes on to be heard the cause of Fannie C. Akin, plaintiff vs James H. Akin, defendant, and upon proof of personal service upon the said defendant, at Vinita, within the Northern District of the Indian Territory, having been made more than 20 days prior to the beginning of said October 1898 term of said court, and it appearing to the Court that said defendant has not answered, demurred, or in any manner pleaded to the complaint of plaintiff herein, but ~~made~~ default, said cause is heard upon the complaint of plaintiff, and upon depositions taken upon part of the plaintiff, after due notice to said defendant. The Court being well and sufficiently advised in the premises, orders and adjudges and decrees that the bond of matrimony heretofore existing between the said James H. Akin and the said Fannie C. Akin be dissolved and forever held for naught; That the custody of Vinita Akin, Strange Akin and Raymond Akin be and ~~is~~ hereby is awarded the plaintiff Fannie C. Akin; That the plaintiff have and recover from said defendant her costs in this action expended.

It is further ordered, adjudged and decreed that the restraining order heretofore issued in this action be

property, to-wit : Lots 3 & 5 Block 41, in the Town of Afton, I.T. , Lot 5, in Block No. 9, in the Town of Downingville I.T. together with all the improvements thereon and all of the household furniture of whatsoever character or description which at the time of the institution of this suit was situated thereon. ; One Half interest in an Improvement upon the Public Domain, West of the Fair grounds and East of the M.K & N. railway, consisting of about ten acres, more or less, in which improvement Thompson & Hastings and James Tittle together have a remaining interest., One farm known as the White Oak farm, with all the improvements thereon, which is situated near White Oak, Indian Territory, about 8. miles West of Vinita, I.T. , Lot No 2. in block 19. , the south half of lot No. 4. block 38 in the town of Claremore I.T. and lot No. 4. in block No 15, in the Town of Downingville I.T. and that the defendant is hereby perpetually enjoined and restrained from in any manner interfering with said above described property, for any part thereof.

United States of America,)

Indian Territory,)

Northern District.)

s s .

I, Charles A. Davidson, Clerk of the United States Court in the Indian Territory, for the Northern District thereof, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages constitute a true, perfect and complete transcript of the decree of the Court rendered in the case of Fannie C. Akin against James H. Akin, lately pending in said Court, as the same now appears of record in my office.

Given under my hand and the seal of said Court, at Vinita Indian Territory, this the 20 day of October A.D 1900.

Charles A. Davidson Clerk
By *W. H. Chandler* Deputy Clerk.

Cooneskeewee District.)

In the name of the Cherokee Nation, - you are hereby commanded to summons Fannie C. Akin, to be and appear at the lawful place of holding court in said District at 9. O'clock, A.M. upon the first Monday in June, A.D. 1898, - there and then to answer the demand of J.H. Akin, who claims the right of being divorced from the bonds of matrimony now and heretofore existing between this plaintiff and defendant;

That they were legally and lawfully married in the year 1872, and again legally and lawfully married under the laws of the Cherokee Nation in the year 1880, and have lived together as man and wife ever since, until the fall of 1897.

For cause of action, plaintiff alleges, - "Extreme Cruelty";

That there is no property rights to be settled, except such as will be submitted by stipulation, and that the custody and care of the minor children will also be asked to be settled by the Court in accordance with stipulation to be filed at time of trial.

Fail not to execute and return this summons within the time as required by law.

Given under my hand and seal of office on this 30th day of December A.D. 1897. Tm. H. Fry,

Clerk of Cooneskeewee District, Cherokee Nation

(Seal)

I, Fannie C. Akin, after a carefull reading ~~minut~~ and consideration of the contents of the within and foregoing citation, hereby accept service on the same and admit that the ^{Complaint} ~~same~~ is true, and waiving all informalities and irregularities, consent that the Court may pass upon the ^{Case} ~~same~~.
This 29th day of December, A.D. 1897.
Fannie C. Akin.

United States of America,)
Indian Territory,) ss.
Northern District.)

I, Charles A. Davidson, Clerk
of the United States Court in the Indian Territory, for the Northern

District Court, at Vinita, Oklahoma, this 31st day of October, 1933, the undersigned, Clerk of said Court, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same was filed in the office of the Clerk of said Court at Vinita, Oklahoma, on the 31st day of October, 1933, and that the same is a true and correct copy of the original of the same as the same was filed in the office of the Clerk of said Court at Vinita, Oklahoma, on the 31st day of October, 1933, and that the same is a true and correct copy of the original of the same as the same was filed in the office of the Clerk of said Court at Vinita, Oklahoma, on the 31st day of October, 1933.

In testimony whereof I hereunto set my hand and the seal of said Court at Vinita, I.T. this 31 day of October XXXX
A. D. 1933.

Chas A Davidson Clerk.
Pa Chandler Deputy.

IN THE UNITED STATES COURT FOR THE
INDIAN TERRITORY, NORTHERN DISTRICT
THEREOF, SITTING AT VINITA.

Fannie C. Akin, Plaintiff,

vs.

James H. Akin, Defendant.

Amended Complaint in Equity.

Comes the plaintiff, Fannie C. Akin, and states that she is a resident of the Northern District of the Indian Territory, and has been continuously for the last twenty years, and during all of said time has resided in and near Vinita, I.T., and nearer to Vinita than any other place of holding court in said District.

That James H. Akin resides in, and is to be found in the Northern District of the Indian Territory and nearer to Vinita than any other place of holding court in said District and Territory.

That plaintiff and defendant were married at Little Rock, Ark., on the 7th day of May 1872; that since her intermarriage with defendant plaintiff has conducted herself as an obedient, dutiful and faithful wife; that there was born to said plaintiff and defendant, as a result of said ~~marriage~~ intermarriage, seven children, two of whom are now dead, two of whom are now married and that there are three of said children now at home, and residing with said plaintiff, whose names and ages are as follows:

Vinita Akin, age seventeen years.

Strange Akin, age fourteen years.

Raymond Akin, Age three years.

That for many years the defendant has neglected and treated with contempt, unmerited reproach and rudeness said plaintiff; that three years ago defendant commenced a course of continuous unkind, harsh and tyrannical treatment toward her which has continued with little intermission since that time; that he frequently used approbious ~~epithets~~ epithets, and that he has for the last ^{three years} aforesaid, constantly offered her such personal indignities as rendered her condition intolerable; that said defendant has

absented himself from his home for long periods of time, and that during the last year he has taken up his residence at Claremore, I. T., and for several months prior to the institution of this suit defendant rarely ever come to the home of this plaintiff, that for the last year the said defendant has treated her continuously and habitually with studied neglect, unmerited reproach, rudeness and contempt, causing her ~~existence~~ extreme and unmerited suffering and rendering her condition intolerable; that said cause for divorce occurred within the last five years, and within the Northern District of the Indian Territory and nearer to Vinita than any other place of holding court in said District.

That said plaintiff is a citizen of the Cherokee Nation by blood, and the owner of the following described property; to-wit: Lots, 2 and 5, Block 45, in the Town of Afton, I.T..

One farm known as the White Oak farm, with all the improvements thereon, which farm is situate near White Oak, about eight miles West of Vinita, I.T.,

Lot No. 3, lot No. 9, in the Town of Downingville, I.T., together with all the improvements thereon, and all the household furniture thereon and belonging to the home of plaintiff.

One half interest in an improvement upon the public domain within the corporate limits of Downingville, and West of the Fair Grounds and East of the M.K & T. R. R. . in which improvement Thompson & Hastings and Jim Tittle ^{together} have the remaining interest.

The North half of lot 40 Block 38 in the Town of Claremore, I.T., together with all the improvements thereon; that she has a reversionary interest in the following described property:

Lot No. 2 in block No. 19: the south half of lot No. 4 in block No. 38, all in the Town of Claremore, I.T., and Lot No. 4 in block No. 15 in the town of Downingville, I.T.,

That said plaintiff has for a consideration released to said defendant since the institution of this suit the other property mentioned in her complaint; that said defendant, prior to the institution of this suit, had controlled said property as agent.

of plaintiff, and that said defendant threatened to sell said property.

Wherefore plaintiff prays that the bonds of ~~matrimony~~ matrimony heretofore existing between the plaintiff and defendant be set aside and forever held for naught; for the custody of her said children, Vinita Akin, Strange Akin and Raymond Akin; that the restraining order heretofore issued herein be made perpetual as to the property particularly described in this amended complaint, for costs and all proper relief.

L. B. Bell, Soper, Melette & Smith
Solicitors for plaintiff.

Fannie C. Akin, being duly sworn states that she has read the foregoing complaint, and that the allegations therein are true as she verily believes.

Sworn to and subscribed before me this --- day of--- 1898.

~~#####~~

United States of America,
Indian Territory,
Northern District.

I hereby certify that the above and foregoing is a true and correct copy of the original complaint, as the same appears, now on file in my office at Vinita, I.T.

This 27th day of February, A. D. 1902.

by _____

Deputy.

United States of America,
Indian Territory, ss
Northern District,

I, Chas? A. Davidson, Clerk of the
United States Court for the Northern District of the Indian
Territory, do hereby certify the above and foregoing to be a
true and correct copy of the amended complaint in the case of
Fannie C. Akin vs James H. Akin No 710 Equity as same appears
from the records now on file in my office.

In testimony whereof I have hereunto set my hand
and affixed the seal of said Court at my office in Vinita, I.T.
this the 27th. day of Feb'y. 1902.

CHAS. A. DAVIDSON, CLERK.

By R. H. Lybrand Deputy.

Endorsed:

Case No. 710

In the United States Court for the
Indian Territory at Vinita

Fannie C. Akin, Plaintiff

vs

James H. Akin Defendant

Amended Complaint

Filed in Open Court

Oct. 4 ----- Jas. A. Winston, Clerk

Soper, Mellette and Smith,

Attorneys for _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 28, 1902.

In the matter of the application of James H. Akin for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant represented by G. B. Denison, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 15, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to wit, the 28th day of February, 1902, appears in person and by his attorney, G. B. Denison.

The Cherokee Nation makes satisfactory proof of service on the applicant, James H. Akin, that it would, on the 28th day of February, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the applicant, James H. Akin, to be enrolled as a citizen of the Cherokee Nation.

JAMES H. AKIN, the applicant, being duly sworn, testified as follows:

COMMISSION: What is your name? A James H. Akin.

Q Where do you live, Mr. Akin? A At Vinita, Indian Territory.

MR. DENISON: You are the identical James H. Akin who was an applicant for enrollment in this case? A Yes, sir.

Q In the notice sent you by the Commission you are required to supply a certified copy of the decree of divorce in the case of Fannie C. Akin vs. James H. Akin, at Vinita; have you that certified copy with you? A Yes, sir.

Q Will you please produce it to the Commission? (Applicant hands paper to Commission.)

Q In your original testimony you speak of your remarriage to Fannie C. Akin after your removal to the Indian Territory and her admission as a citizen of the Territory? A Yes, sir.

Q Have you a certificate of that marriage? A Yes, sir.

Q By whom was it issued? A T. J. McGhee, as clerk of Delaware District, Cherokee Nation.

Q Will you present it to the Commission, that they may file the original or make a copy of it? A Yes, sir.

COMMISSION: There is offered in evidence by the attorney for the applicant a certified copy of the amended complaint in the suit for divorce between Fannie C. Akin and James H. Akin. The same will be filed. There is also offered in evidence a marriage license issued by T. J. McGhee, Clerk of Delaware District, Cherokee Nation, on the 16th day of June, 1880, authorizing the marriage of James H. Akin, a citizen of the United States, and Fanny C. Akin, a citizen of the Cherokee Nation by blood. Also a certificate showing that they were united in matrimony by T. J. McGhee, Clerk of Delaware District, Cherokee Nation, on the 16th day of June, A. D. 1880. The same is filed herewith.

MR. HASTINGS: How long have you been at Vinita? A I have been in and around Vinita since 1879.

Q Where do you get your mail? A Where do I get my mail now?

Q Yes, sir. A At Vinita and at Galena, Kansas, we have an office at both places.

Q How long have you been getting your mail at Galena? A I forget

just when we established the office there, something over a year ago is my recollection.

Q You have charge of that office at Galena, don't you? A No, sir, not entirely, part of the time Judge Denison has been there, and I have been at the Vinita office part of the time, I stay at the Galena office and he stays at the Vinita office. Sometimes we are both at the same office.

Q How has it been for the past year? A For the past year I have been more at the Galena office than I have at the Vinita office.

Q Well, is it not a fact that you have been there almost exclusively? A I couldn't say almost exclusively, because I have been at the Vinita office considerable during that time, but I have been there a great deal more than I have at the Vinita office. I will state in connection, however, that my desk is at Vinita office. Judge Denison's desk is kept at the Galena office.

MR. DENISON: When was that partnership between me and yourself established? A I couldn't say definitely, but something over a year ago, perhaps nearly two years ago.

Q It was after the approval of the act of June 28, 1898? A Oh, yes, I am satisfied the partnership was not formed more than two years ago; my recollection is that it was formed two years ago this month, February.

Q Was that partnership for the transaction of business at both places, irrespective of the locality? A Yes, sir.

Q What have you regarded as your home during that time? A Vinita always, and it so states on my letterheads.

Q Have you any property? A Yes, sir.

Q Where is it situated, the bulk of it? A All the property I own except my office furniture and a bedroom suit is located in the Cherokee Nation.

Q What does it consist of principally? A Farms, claims and improvements upon the public domain, wagons, buggies, harness, horses, only one horse I believe.

Q Any town property in the Cherokee Nation? A Yes, sir, I have some interest in some town property in Vinita, some in Claremore, some in Afton, Indian Territory, and until within the last month I owned a third interest in an improvement with Mr. Hastings and Mr. Thompson here, it was sold only a few days ago, near Claremore.

Q How long have you owned the larger part of this property in the Cherokee Nation? A Well, sir, that would be hard to determine, I have accumulated it since I have been here, since 1879, but at what time I cannot possibly state.

Q Well, was the principle part of it or all of it owned before the approval of the Act of June 28, 1898? A Yes, sir, all of it.

T. J. McGHEE, being first duly sworn, testified as follows:

MR. DENISON: What is your name? A T. J. McGhee.

Q Where do you live? A Delaware District, Cherokee Nation.

Q How long have you lived there? A About 58 years I reckon, that's my age.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q In June, 1880, did you hold any office, and if so what, in the Nation? A Clerk of Delaware District, clerk of the court.

Q I wish you would look at the paper now shown you (the paper which has been offered in evidence to the Commission) and see if you recognize the signature to it and the paper? A Yes, sir, I issued those licenses.

Q And did you perform the ceremony which is certified to on the back of them? A Yes, sir, I did.

Q Independent of the paper have you any recollection about the matter? A Yes, I think I do.

Q I wish you would state it? A Well, Mr. James Akin used to be an attorney there and he has very often stopped and staid over night with me.

Q Well, do you remember the ceremony between James H. Akin and Fannie C. Akin; outside of the paper have you any recollection of performing the ceremony? A Yes, sir.

Q That is what I want you to state? If you have any recollection about the matter state it to the stenographer there? A Well, I have done told about him coming there and getting married and he getting his license.

Q That is the same James H. Akin who is now an applicant for enrollment as a citizen of the Cherokee Nation? A Yes, sir.

MR. HASTINGS: Well, now, was it in the morning or the evening that he got married? A I think it was in the morning, staid all night over to Ose Harlins.

Q Do you know that now? A I think I do.

Q You say you think you do, now I want you to state if you know it independent of this paper? A Why I couldn't give the hour, it would be impossible.

Q And the fact of the business is you would not remember it except from refreshing your memory? A Refreshing my memory of course.

Q You know it from the paper don't you? A Yes, sir.

Q How to remember these things for twenty two years, it is a pretty hard thing ain't it? A Yes, sir.

Q Was anybody else present when they were married? A I don't remember.

Q You don't know what month it was in do you? A No, I couldn't be qualified to what month it was.

Q You couldn't without looking at this paper have told what year it was, you was clerk up there a long time, wasn't you? A Yes, sir, I was clerk off and on from 1867 on to 1891.

Q Well, now, without looking at this paper could you tell what year it was? A No, sir, it would take me on the surprise, I couldn't do it.

COMMISSION: You submit the case?

MR. DENISON: Yes, sir.

COMMISSION: You desire to file a brief do you?

MR. DENISON: Yes, sir.

JAMES H. AKIN, the applicant recalled:

MR. HASTINGS: Have you married since this divorce was granted? A I have not.

COMMISSION: The attorney for the applicant and the representatives of the Cherokee Nation present submit the case. The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted ten days in which to file a brief in the case, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

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Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the

above is a true and complete transcript of his stenographic notes
thereof.

Arthur Croninger

Subscribed and sworn to before me this 1st day of March, 1902.

A large, stylized handwritten signature, likely belonging to the Commissioner, written in dark ink.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 16, 1902.

In the matter of the application of
James H. Akin for enrollment as a
citizen of the Cherokee Nation by
Intermarriage.

Cherokee D. 520.

Brief on behalf of the Cherokee Nation.

The applicant, James H. Akin, applies as a citizen of the Cherokee Nation by virtue of his marriage to Fannie C. Akin, nee Pool, on June 16, 1880. His name is found upon the rolls of 1880 and 1896; but subsequent to that time his wife brought suit in the United States Court at Vinita against the applicant for a divorce, and judgment was rendered in her favor by the Court. BY reference to the amended complaint filed in this case the grounds she alleges for a divorce are as follows: "That for many Years the defendant has neglected and treated with contempt, unmerited reproach and rudeness said plaintiff; that three Years ago defendant commenced a course of continuous unkind, harsh, TYranical treatment toward toward her, which he continued with little intermission since that time; that he frequently used approbrious epithets, and that he has for the last three Years aforesaid constantly offered her suchpersonal indignities as rendered her condition intolerable; that said defendant has absented himself from his home for long periods of time, and that during the last Year he has taken up his residence at Claremore, I. T., and for several months prior to the institution of this suit defendant rarely ever came to the home of this plaintiff, that for the last Year the said defendant has treated her continuously and habitually with studied neglect, unmerited reproach, rudeness and contempt, accusing her extreme and unmerited suffering, and rendering her condition intolerable".

The Master in Chancery, to whom was referred this case for report, made a report favorable to the plaintiff, and recommending

that a divorce be granted her, giving her the custody of their three minor children; and this report was confirmed by the Court, and the divorce granted in accordance with the report.

Perhaps it is difficult to conceive of a condition more intolerable than that described by the plaintiff in her complaint, and for that reason that part of her complaint is hereinabove copied. She not only alleged personal indignities, approbrious epithets, studied neglect, but she alleges an abandonment from her home for long periods of time by the applicant; that he took up his residence in the town of Claremore, I. T., and that he rarely ever came back to the home of the plaintiff. This complaint, we think, clearly alleges abandonment; it pleads desertion; it begs the court for protection; it longs for kind treatment, and it appeals in Sympathetic tones to be heard. The court listened, and judgment was rendered her, not only for a divorce, but for the care and custody of her loving children.

In this connection we desire to quote Section 667 of the Compiled Laws of the Cherokee Nation: "Every person who shall lawfully marry under the provisions of this act, who afterwards abandons his wife, shall thereby forfeit every right and privilege of citizenship in this Nation".

But counsel for applicant contends that this law is not enforceable because of a certain section of the Curtis Bill referred to in his brief. But this provision has no reference whatever to citizenship cases, for the reason that the Commission is given jurisdiction to hear and determine the right of any applicant who presents himself for enrollment to be enrolled as a citizen of the Cherokee Nation by section 21 of the Curtis Bill. The last clause of the first paragraph of Section 21 provides that the Commission "shall enroll such intermarried white persons as may be entitled to citizenship under Cherokee laws". You will therefore observe that all

citizenship laws were specially kept in force, and that the Commission was specially charged with applying these laws to all citizenship cases in determining whether or not an applicant who presents himself is entitled to be enrolled.

Counsel further contends that inasmuch as the applicant is upon the roll of 1880, and inasmuch as that roll has been confirmed by act of Congress that it is mandatory upon the Commission to enroll him without question. But we contend that Congress must have had in mind just such provisions of the Cherokee law as contained in Section 667 hereinabove quoted when this provision was inserted in Section 21 of the Curtis Bill, because it must have been contemplated that under the laws of the Cherokee Nation some inter-married whites could forfeit their rights to citizenship by abandonment by abandoning their wives, and for that reason just such a section as hereinabove quoted was inserted, so that all Cherokee laws could be applied to each intermarried white applicant to see whether or not under them the applicant was entitled to enrollment as a citizen of the Nation.

Very strangely counsel for applicant, looking for technicalities, falls into the common error that the Cherokee provision found in Section 667 is unconstitutional inasmuch as he contends the rights of the applicant can not be forfeited. The Supreme Court of the United States in the Stephens case, found in 174 U. S., has determined that a citizenship right is not a property right; and the Supreme Court has further determined in the case of Roff vs Burney, appealed from the Chickasaw Nation, that the authority which could confer citizenship had also the right to take it away. But the Department has sustained our contention in numerous other cases that an intermarried white man, either by abandonment or subsequent to the death of his Cherokee wife by intermarrying with a white woman, could and did forfeit his right to citizenship in the Cherokee

Nation; and therefore the question of whether or not an intermarried white man can forfeit his right has been heretofore determined.

It is contended further that this suit should have been instituted in the tribal courts where a forfeiture of citizenship should have been declared. The testimony in this case shows that this suit was instituted in the tribal court, but that these courts were abolished by an act of Congress, and that subsequent to that time suit was instituted in the United States Court having jurisdiction at Vinita.

We contend that the court judicially determined that the applicant abandoned Fannie C. Akin, made her condition intolerable, so that even she herself would have been justified in abandoning him, and that this having been sustained Section 667 of the Compiled Laws of the Cherokee Nation is applicable to this case.

The Commission is charged with making a correct roll of all applicants entitled to be enrolled as citizens of the Cherokee Nation. It has the highest equity jurisdiction; much more so than any court; even if all the testimony is introduced it is within the province and it is the duty of the Commission to open up, if necessary, any case for the purpose of fully developing all the facts necessary to a proper determination of that case. It has all the jurisdiction of the United States Court, and it has all the jurisdiction of all the tribal courts so far as determining the question of the right of any applicant to be enrolled is concerned.

And we submit that we do not believe that the applicant, convicted as he is in the United States Court of the grave charges alleged in the complaint by his former dutiful wife, will be enrolled by the Commission.

Aside from the question of abandonment there is involved in this case a question of residence. While the applicant himself at-

tempts to deny that he was a resident of Galena, Kansas, Yet he does admit that he gets his mail there, and has lived there a greater part of the time for the past Year or more; and the attention of the Commission is invited to the return notice sent the applicant by the Commission on February 12, 1902, which is post-marked Galena, Kansas, February 18, as well as the notice filed with the papers in this case served upon the applicant by the Cherokee Nation on February 17, 1902, at Galena, Kansas.

In order to show perhaps the methods used by the applicant in this case Your attention is also invited to what purports to be the original marriage license filed in this case. We do not know that it was necessary, inasmuch as the name of applicant appears upon the roll of 1880, for him to file his marriage license, but for some reason he was required to file it by the Commission, and on February 28, 1902, he filed what purports to be the original marriage license. A casual inspection of this paper at once discloses the fact that it was not written as much as 20 years ago. The paper itself is old and fly specked, but the writing thereon is fresh and on top of all the folds of the paper, above the dirt and fly specks, and there appears no break in the writing across the folds of the paper as would have been the case if it were an old paper. Your attention is also invited to the fact that the signature of T.J. McGhee is across the impression of the seal, and the impression of the seal was not made after it was written. There is not the slightest doubt but that this piece of paper upon which this license was issued was up until a few days ago a part of some other paper from which it has been separated which had the indenture of the seal upon it and was seized upon by the applicant and ex-Clerk upon which to write this license.

We call attention to this fact for the purpose of showing the

methods used by the applicant in this case, and for the purpose of showing what weight should be given to his testimony both as to the treatment of his wife and to his present residence in the light of the testimony developed on cross examination that he was residing at Galena, Kansas, and the return notice sent him by the Commission and the representative of the Cherokee Nation.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

W H M.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., -----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 24th day of September, 1902.


Notary Public.

MOBILE ALABAMA

SMITH TO THE ALABAMA DEPARTMENT OF THE INTERIOR, ALABAMA, 1902.

CHIEF CLERK CHAS. H. HARRIS.

THE IN THE OFFICE OF THE CHIEF CLERK.
SMITH TO THE ALABAMA DEPARTMENT OF THE INTERIOR, ALABAMA, 1902.
THE RECORDS OF THE CHIEF CLERK, TO THE ALABAMA DEPARTMENT OF THE INTERIOR, ALABAMA, 1902.
I, the undersigned, CHIEF CLERK OF THE CHAS. H. HARRIS.

CHAS. H. HARRIS, I. L. L.
COMMISSIONER TO THE ALABAMA DEPARTMENT OF THE INTERIOR,
DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE ALABAMA DEPARTMENT OF THE INTERIOR,
DEPARTMENT OF THE INTERIOR.

SEP 24 1902

Before the Commission to the Five Civilized Tribes.

—●—●—●—●—●—●—●—●—●—●—

In the matter of the Enrollment of James H. Akin as an Adopted
Citizen of the Cherokee Nation.

Brief on Behalf of Applicant.

Fannie C. Akin, by inter-marriage with whom in accordance with and under the laws of the Cherokee Nation the applicant gets his right to be enrolled, has been duly enrolled as a citizen of the Cherokee Nation by blood by this Honorable Commission.

The testimony shows that this applicant and the said Fannie C. were married prior to her admission as a member of the Cherokee Nation and that after said admission they were re-married under and in accordance with the laws of that Nation and after said re-marriage they were both duly enrolled upon the roll of Cherokee citizens made by that Nation in the year 1880, which roll has been confirmed by the Congress.

The applicant became a bona fide resident of the Cherokee Nation before the roll of 1880 was made and has always remained such, and his name is found upon every roll that the authorities of the Cherokee Nation have made since the roll of 1880, as well as upon that roll.

The only objection now made to his enrollment, by the Cherokee Nation, and there is no objection offered by anyone else, is based solely on the ground that This Honorable Commission cannot enroll the applicant because of Section 667 of the laws of the Cherokee Nation as found in the compilation of those laws of 1892.

If for any reason that posit on of the Cherokee Nation is not

well taken it matters not at all what that law is or whether this Honorable Commission are called upon and have the authority to enforce it in any case. If for any reason that law cannot be put in force against this applicant no objection whatever is offered to his enrollment.

If the Congress has taken this applicant out of the class to which section 667 of the Cherokee law applies, if that law can be enforced by this Honorable Commission in any case, then the objection by the Nation to the enrollment of the applicant is unavailing. This we think has been done and we quote from the act of the Congress, approved June 28, 1898, commonly called The Curtis Act, as follows:

"That in making rolls of citizenship for the several tribes as required by law the commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of congress and to enroll all persons now living whose names are found on said roll."

This Honorable Commission are authorized and directed to take this roll as the roll confirmed by the Congress and to enroll all persons now living whose names are found on said roll. This authority and direction are controlled by only two things and both of those mentioned in the act, freedmen are not included and the persons must have removed into the Cherokee Nation and settled there in good faith before the passage of the Curtis act.

That the applicant is upon that roll and that he removed to the Nation and in good faith settled there before June 28, 1898, and is not a freedman, and is today an actual resident in good faith of the Cherokee Nation, can admit of no doubt upon the record before this Honorable Commission.

The language used in the Curtis act " with such intermarried

white persons as may be entitled to citizenship under Cherokee laws", can have no application or possible reference to the case of this applicant. That language can only apply to such intermarried white persons as are entitled to be enrolled under the Cherokee laws but have not been enrolled. To undertake to make it apply also to those who are enrolled upon the rolls of 1880 is to make the act absolutely contradictory and this would be contrary to every rule for the construction of statutes, and the rule contended for will give this and the other part of the act full force and effect.

In this case the Honorable Commission has but to examine into the facts and if the facts show that the applicant was upon the rolls of 1880 had removed into the Cherokee Nation and in good faith settled there before June 28, 1898, and was not a freedman, and then pronounce the judgment that the Congress says it is "Authorized and Directed" to pronounce. If the facts are proven, no discretion is left to this Honorable Commission. The Congress has declared what the judgment shall be and there is nothing left to be done but to pronounce that judgment, that the applicant is entitled to be enrolled and he is enrolled.

If this Honorable Commission should differ with us in this view of the law and believe that any right existed to investigate the alleged abandonment by the applicant of his Cherokee wife, Fannie C. Akin, let us spend a few moments on that question, and first as to the facts in proof.

These show that prior to the abolition of the courts of the Cherokee Nation the applicant had brought a suit for divorce in the proper court of his Nation against his wife for a dissolution of the marriage relation and that she had acknowledged service of the citation; that before this action could be determined the court

in which it was brought was abolished; afterwards the wife brought a suit for divorce in the United States Court and obtained a judgment by default; this Honorable Commission has required the applicant to file with it a certified copy of the decree in this case and of the amended complaint upon which such decree is founded; Not one word of proof has been offered by the Nation to show any act of abandonment and there is absolutely none in this record.

That amended complaint carefully conceals from the Court and from the world the fact that there has been a remarriage by the complainant in that case and this applicant under and in accordance with the laws of the Cherokee Nation relating to and governing intermarriages of white men with Cherokee Indian women, but rests her sole and only right to relief from the bonds of matrimony entered into between them in one of the States before she had been admitted as a citizen of the Cherokee Nation and before she could under the law of that Nation, to which she became amenable when admitted, contract a marriage with a white man and thereby cast upon him the rights, privileges and franchises of an adopted citizen. What marriage was dissolved by this decree? Surely none other than such marriage as was set out in the complaint. In this case there were two lawful marriages and the complainant asks only to be relieved, to have dissolved, one of them, and that the one earliest entered into, and from this marriage, and from this only, is she relieved by this decree, and the second and last marriage remains good and undissolved at this day. The Court was without any power to grant more than was asked. The marriage under the Cherokee law has never been dissolved. The complaint in that case and this applicant are still man and wife, in law. And this is all the proof there is upon the subject of abandonment.

But suppose Fannie C. Akin had asked that both marriages be

dissolved and the court had so decreed? Would that establish "abandonment" which is all that is urged against the enrollment of the applicant? She could only obtain her decree of divorce in the court in which she sued for it by alleging and proving some one or more of the grounds for divorce laid down in the statute. She elected which one of these she would proceed under and took that portion of the Fifth paragraph of Sec. 2556 which provides as one of the grounds upon which a divorce will be granted, that, one accused "shall offer such indignities to the person of the other as shall render his or her condition intolerable". There is no clause, no ground for divorce, given in the statute for "abandonment". The nearest approach to it is the language in the second paragraph of the section already cited, which reads; "Second. When either party wilfully deserts and absents himself or herself from the other for the space of one year without reasonable cause."

Mans.Dig. Laws of Ark. Sec.2556,p.580.

If that ground had been alleged in the complaint this Honorable Commission might construe it as the equivalent in law of legal abandonment,-for no one will pretend that the word "abandonment" as used in the Cherokee Statute is entitled to or should have any other meaning than that that the law has given the word when used in laws in connection with marital duties,-but she did not see fit to allege this, presumably because it could not be proved. If it exist at all it is from the very nature of the two charges much more easily proved than the one made in this case. That there are some allegations in the complaint that the defendant spent a considerable part of his time away from complainant during the year before she filed her complaint, was mere surplusage, not proper to be alleged and not proper to be proven in the case if it could be, and certainly not to be taken as proven by the judgment by default.

The Cherokee Nation does not offer one word of proof that the applicant has abandoned his wife. There is absolutely no proof at all before this Honorable Commission of any abandonment, or of any act looking toward an abandonment, of his wife by the applicant. Not one word to show that he had not always and does not as yet provide for his family, and even his wife, not only all their necessities and comforts but many of the luxuries of life. We think that it has been shown by the argument that the objection of the Cherokee Nation does not rest on any solid foundation. It might be better said has no foundation whatever.

There is another view of this case to which the attention of this Honorable Commission is called. The decree of divorce granted Fannie C. Aiken against the applicant being the only thing that the Cherokee Nation relies upon to show "abandonment," can the decree of the United States Court, even supposing that abandonment or its equivalent was charged in the Complaint on which such decree was based, work out a forfeiture of the rights of property and citizenship on the part of the defendant under the laws of the Cherokee Nation? We say NO. And say so for two reasons. First,- it would be giving authority to the courts of one jurisdiction to enforce by its judgments the penal laws of another jurisdiction an authority that has never been given to the Courts of the United States in the Indian Territory, and Second,- Such authority is expressly taken away, an exercise of such jurisdiction is expressly forbidden to it by the very same act under which this Honorable Commission is making the enrollment.

"That on and after this passage of this act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory."

Sec. 29 Act of Congress, June 28, 1898. Curtis Act.

There is an entire absence of any attempt to declare any such for-

feiture in the decree, and it has been the endeavor to show that the decree could not and did not have any such effect.

Supposing, always, that competent and sufficient proof of "abandonment" has been produced before this Honorable Commission, there remains to be discussed the important question whether there can be a forfeiture of citizen and property rights in this country without a judicial ascertainment of existence of the facts upon which a forfeiture is claimed and a judicial determination that such forfeiture shall take place.

Can a legislative body say that a man shall lose any of rights is has provided that he may obtain?

At the outset it must be remembered that while the United States gave to the Cherokee people the authority to make a constitution and enact laws for their government the United States required that that constitution and those laws should never be in conflict with the constitution and laws of the United States. The constitution of the United States was the Supreme Law of the Land to the Cherokee citizen as well as to every other person in this land.

That the Cherokee Council could do no more than declare what facts when judicially ascertained should work a forfeiture of citizenship and rights is most fully sustained by Judge Cooley, where in his great work upon Constitutional Limitations he has exhaustively discussed the question and to that discussion this Honorable Commission are most respectfully referred.

Const. Lim. (Sixth Ed.) pp. 125,316 - 318,444- 446.

The author clearly enunciates the rule her contended for and cites very many cases to sustain his position, both Federal and state.

That the Cherokee Council had reached this conclusion is shown by the enactment by it of a law which has now become Section 669 of the Cherokee Compiled Laws of 1892, the very next section but one

that the representatives of the Nation ask to have this Honorable Commission enforce in this case.

That section confers jurisdiction upon the Circuit Courts of the Nation, at the instance of any person or the solicitor of the district, to hear and determine whether the person who is charged has committed those acts which are declared to work a forfeiture, and provides how the courts shall proceed in such cases, and have recognizing the binding force of their own constitution, Sec. 7, Art. VI, Comp. 1892, p. 27, by providing in this act for a trial of the question whether there has been an abandonment without cause by a jury.

There could be no forfeiture of citizenship without some court of competent jurisdiction had ascertained the fact and pronounced a judgment upon them.

There can be no pretence in this case that this was ever done. There is an utter absence of any testimony that any thing of the kind was ever attempted, let alone proof that any such thing was ever done.

If there were proof of abandonment by this applicant of his Cherokee wife before this Honorable Commission we respectfully submit that it has never been clothed with the authority to declare a forfeiture of citizenship. But there is not a scintilla of evidence showing a single act looking toward abandonment.

It is very clear that the applicant is entitled both in law and justice to be enrolled by this Honorable Commission on the rolls of the Cherokee Nation as an adopted citizen of said Nation.

Respectfully submitted.

George B. Denison
Attorney for applicant.

-9-
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., -----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 26th day of August, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James H. Akin as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 4, 1900, James H. Akin appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 28, 1902.

The evidence shows that the said James H. Akin was lawfully married to his wife, Fannie C. Akin, formerly Fannie Pool, a citizen by blood of the Cherokee Nation on June 16, 1880 under the authority of a Cherokee marriage license.

The said James H. Akin is identified on the 1880 authenticated tribal roll of the Cherokee Nation and on the 1893 census roll of the Cherokee Nation.

It appears that the said James H. Akin lived with his said wife, Fannie, until about three years next before the application herein; that they then separated, and that on November 12, 1898 his said wife obtained a divorce.

Section twenty-one of the Act of Congress, approved June 28, 1897 (30 Stat., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section seventy-four of Article fifteen of the Compiled Laws of the Cherokee Nation, 1860, page 277, provides.

"Every person who shall marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation".
(See Compiled Laws 1892, Sec. 647.)

It is, therefore, the opinion of this Commission that the said James H. Akin abandoned his wife within the meaning of the section of the Cherokee Law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this

SEP 11 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 21 1902

COMMISSIONERS

HENRY L. DAWES
TAMM HIXBY
THOMAS B. NEEDLES
H. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12,

1902

Mr. James H. Akin,

Vinita, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

28th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of the complaint in the divorce case of Fannie C. Akin vs. James H. Akin in the United States Court at Vinita.

CherokeeD-520
Register.

Yours truly,

~~XXXXXXXXXXXX~~
Commissioner in Charge.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of James H. Atkins
for enrollment as a Cherokee ~~freedman~~ Citizen

No. C. D. 520

Henry Pack, of lawful age, being duly sworn on
oath states that on the 14th day of February, A. D., 1902 he registered
to James H. Atkins whose postoffice is Galen, a town
~~in the~~ a notice, a true copy of which is attached to this affidavit, and he hereto

attaches the receipt of the Postmaster at Muskogee Indian Territory;
and that on the 8th day of February, 1902 he received the return
card which is hereto attached, signed by the said James H. Atkins showing
that he had received said notice.

Henry Pack
Subscribed and sworn to before me on this the 18 day of February A. D. 1902

J. C. Starnes
Notary Public.

FILED
18 10 12

C.D. 220

INDIAN TERRITORY,

CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of 190

Attorney for applicant.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | S. S.
NORTHERN DISTRICT. |

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me

this

Notary Public.

NOTICE!

IN THE MATTER OF the application of James H. Akin
for enrollment as Cherokee citizens:
Case No. D 520

To James H. Akin, Galena, Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 28th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of February, 1902.

N. W. Haltinger
Attorneys for the Cherokee Nation.

Cherokee D 520.

Muskogee, Indian Territory, September 22, 1902.

The Honorable,

The Secretary of the Interior.

Dear Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of James H. Akin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 42.

Cherokee D 520.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of James H. Akin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. C. No. 41.

Cherokee D 520.

Muskogee, Indian Territory, September 22, 1902.

G. P. Denison,

Attorney for James H. Akin,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of James H. Akin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. C. No. 40.

Register.

Cherokee D 520.

Muskogee, Indian Territory, September 22, 1902.

James H. Akin,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

There has this day been forwarded your attorney, G. B. Denison, Vinita, Indian Territory, a copy of the record of proceedings had in the case, together with the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. C. No. 39.

Register.

2570

COPY.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Land
57701-1902.

Washington, Oct. 4, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of James H. Akin for enrollment as a citizen by intermarriage of the Cherokee Nation.

The record shows that the applicant was married to Fannie Pool a citizen by blood of the Cherokee Nation, June 16, 1880, under a Cherokee marriage license; that his name appears on the 1880 and 1896 rolls of the Cherokee Nation; that he lived with his wife until about 1897, when she procured a divorce from him on the grounds of ill-treatment and such conduct as to render her condition intolerable.

The Commission is of the opinion that he abandoned his wife and therefore forfeited his citizenship rights under the Cherokee law.

In the opinion of this office the husband's treatment of his wife was such as to constitute ^{an} abandonment, and it is therefore respectfully recommended that the decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

COPY.

JP

WHR

ITD.6085-1902.

DEPARTMENT OF THE INTERIOR.
Washington.

IRS.

October 18, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of James H. Akin for enrollment as an intermarried citizen of the Cherokee Nation, D-520, received with your letter of September 22, 1902, and with the Acting Commissioner of Indian Affairs' letter of October 4, 1902.

You rejected the application September 20, 1902, finding that Akin lived with his wife until about three years prior to his application for enrollment; that they then separated, and on November 12, 1898, his wife obtained a divorce.

You refer to Section 74, Article 16, of the Compiled Laws of the Cherokee Nation, 1880, page 277, which provides that-

Every person who shall marry under the provisions of this Act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation. (See Compiled Laws, 1892, Sec. 667).

There is nothing in the testimony taken by you to show abandonment by the applicant of his Cherokee wife. You have relied entirely upon the copy of the record in the divorce proceedings.

The Acting Commissioner recommends that your decision be concurred in.

2.

July 18, 1902, in the case of Malinda King, the Department gave its reasons for considering a decree of a court in divorce proceedings insufficient to determine the question of abandonment in enrollment cases before you. It therefore becomes necessary to have further testimony taken in the present case and to have you readjudicate the case.

The record is herewith returned for that purpose.

A copy of the Acting Commissioner's letter is also inclosed

Respectfully,

Thos. Ryan,

Acting Secretary.
EMD

2 inclosures.

Muskogee, Indian Territory, November 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

Receipt is hereby acknowledged of Departmental letter of October 18, 1902 (I.T.D. 6085-1902), remanding the record involving the application of James H. Akin, for enrollment as an intermarried citizen of the Cherokee Nation, in order that further testimony may be taken and the case readjudicated.

Referring to the decision of the Commission rejecting the application of said James H. Akin, the Department, among other things, says:

"There is nothing in the testimony taken by you to show abandonment by the applicant of his Cherokee wife. You have relied entirely upon the copy of the record in the divorce proceedings."

and invites the attention of the Commission to the Department's decision in the case of Malinda King heretofore rendered, and states:

"July 18, 1902, in the case of Malinda King, the Department gave its reasons for considering a decree of the Court in divorce proceedings insufficient to determine the question of abandonment in enrollment cases before you.

It, therefore, becomes necessary to have further testimony taken in the present case and to have you readjudicate the case."

The Commission respectfully represents that its decision in the case under consideration was not based upon the copy of the record

in the divorce proceedings, but upon the fact that the separation of Akin and his wife was the result of a mutual understanding and agreement between them. While the Commission recognizes the rule of the courts, that such an agreement between man and wife would destroy the charge of desertion, if alleged in a divorce proceedings, it believes the purpose of the Cherokee Law was to prevent a white person who might acquire citizenship in the Cherokee Nation by intermarriage, from severing in any manner by his own voluntary acts, the marriage relation upon which his citizenship wholly depends.

This appears to be the position taken by the Department in affirming the decision of the Commission in the John B. Morse case, May 26, 1902 (I.T.D. 2996-1902), transmitted by the Acting Commissioner of Indian Affairs by letter of May 8, 1902 (land 25920-1902), the material part of which is as follows:

"It also appears from the record of this case that the applicant left his wife during the year 1892 and has not since their separation contributed to her support.

The applicant testifies that he did not abandon his wife but that they 'agreed to disagree.'

Section 667 of the Cherokee Laws--1892 edition--declares that: 'Every person who shall lawfully marry under the provisions of this Act and afterwards abandon his wife shall thereby forfeit every right and privilege of citizenship in this Nation.'

April 26, 1902, the Commission found that the applicant was not entitled to enrollment as an intermarried citizen of the Cherokee Nation.

The office believes from the testimony that the applicant, within the meaning of the section of the Cherokee Laws above quoted, abandoned his wife, and therefore respectfully recommends the approval of the Commission's decision."

Akin testifies to almost the same facts as will be seen from the following extracts of the testimony in his case:

"Q How long after the roll of 1880 did you and your wife continue to live together? A Until about a little less than three years ago.

Q Did you get a divorce from her when you separated from her? A There was a divorce gotten. She brought suit in the United States Court and I brought suit in the Cherokee Court.

Q Did you get a divorce from her or did she get a divorce from you? A She got the divorce.

.....
Q What was the occasion of that divorce? Did you leave your wife or did your wife leave you? A Well sir, it was an equal separation when the suit was brought in the Cherokee Court by me and afterwards she brought a divorce herself.

Q Did she leave you or did you leave her? A I said it was a mutual separation, we just agreed to separate."

It would, therefore, appear that the facts in the Morse and Akin cases are very similar as regards the separation of the applicants from their wives, and that if section 667 of the Cherokee Laws is applicable in one, it is equally so in the other.

The Commission is, therefore, of the opinion that the separation of Akin and his wife by mutual agreement is, within the spirit of the Cherokee Law, an abandonment by him, and respectfully recommends that its decision be affirmed.

The record in this case is herewith returned.

Respectfully,

SIGNED Tame Dixby.
Acting Chairman.

SIGNED T. B. Needles.
Commissioner.

C. E. Crookinridge.
Commissioner.

Through the
Commissioner of Indian Affairs.

Enc. M-21

(Copy)

Refer in reply to the following:

Land
69550-1902.

Department of the Interior,

Office of Indian Affairs,

Washington, December 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of October 18, 1902, (ITD-6085), returning to the Commission to the Five Civilized Tribes the application involving the enrollment of James H. Aikin as an intermarried citizen of the Cherokee Nation, with direction to take further testimony in the case and re-adjudicate the same, there is inclosed herewith a communication from the Commission dated November 19, 1902, returning the record in this case and recommending that its decision adverse to the applicant be approved.

Very respectfully,

W. A. Jones,

Commissioner.

GAW
D

3 inclosures.

D.C. #25116

J.P.

DEPARTMENT OF THE INTERIOR.

FHE

WASHINGTON.

I.T.D. 6085-1902

6200- "

6849- "

6874- "

7546- "

December 12, 1902.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

September 20, 1902, you rejected the application of James H. Akin for enrollment as an intermarried citizen of the Cherokee Nation, stating that Akin is identified on the 1880 authenticated tribal roll of the Cherokee nation, and on the 1896 census roll; that he lived with his Cherokee wife, to whom he was married in 1880, until about three years before the application for enrollment; that they then separated and that on November 12, 1898, his wife obtained a divorce.

Referring to section 74 of article 15 of the Compiled Laws of the Cherokee Nation of 1880, which provides that

"Every person who shall marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this nation,"

you held that Akin abandoned his wife within the meaning of said section.

The Department is in receipt of your letter of November 19, 1902, resubmitting the papers in the case,

returned to you October 18, 1902, in order that further testimony might be taken, as the Department concluded you had relied erroneously and entirely upon the copy of the record in the divorce proceedings in arriving at the conclusion that the party had abandoned his wife. It appears, however, that this was not the case, as you now state your decision was not based upon the copy of the record of the divorce proceedings, but upon the fact that the separation of Akin and his wife was the result of a mutual understanding and agreement between them; that while you recognize the rule of the courts, that such an agreement between man and wife would destroy the charge of desertion, if alleged in a divorce proceedings, you believe the purpose of the Cherokee law was to prevent a white person who might acquire citizenship in the Cherokee Nation by intermarriage, from "severing in any manner by his own voluntary acts, the marriage relation upon which his citizenship wholly depends;" that this appears to be the position taken by the Department in affirming the decision of the commission in the case of John B. Morse, May 27, 1902, transmitted by letter of the Indian Office of May 8, 1902, the material part of which is as follows:

"It also appears from the record of this case that the applicant left his wife during the year 1892 and has not since their separation contributed to her support.

The applicant testifies that he did not abandon his wife but that they 'agreed to disagree.'

Section 667 of the Cherokee Laws--1892 edition--declares that:

"Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife shall thereby forfeit every right and privilege of citizenship in this Nation."

April 26, 1902, the Commission found that the applicant was not entitled to enrollment as an intermarried citizen of the Cherokee Nation.

The office believes from the testimony that the applicant, within the meaning of the section of the Cherokee Laws above quoted, abandoned his wife, and therefore respectfully recommends the approval of the Commission's decision."

You conclude that Akin testified to almost the same facts as will be seen from the following extracts from the testimony in his case:

"Q How long after the roll of 1889 did you and your wife continue to live together? A Until about a little less than three years ago.

Q Did you get a divorce from her when you separated from her? A There was a divorce gotten. She brought suit in the United States Court and I brought suit in the Cherokee Court.

Q Did you get a divorce from her or did she get a divorce from you? A She got the divorce."

.....
Q What was the occasion of that divorce? Did you leave your wife or did your wife leave you? A Well sir, it was an equal separation when the suit was brought in the Cherokee Court by me and afterward she brought a divorce herself.

Q Did she leave you or did you leave her? A I said it was a mutual separation, we just agreed to separate."

You express the opinion that the separation of Akin and his wife by mutual agreement is, within the spirit of the Cherokee Law, an abandonment by him, and you recommend that your decision be affirmed.

It is not necessary to enter into any discussion as to whether the case of John B. Morse is similar to the case under consideration; that is immaterial, for if the decision in the Morse case is erroneous it would not be binding upon the Department. The Department does not agree with you that a separation by mutual consent would be, in every case of this character, an abandonment by the intermarried citizen. Taking the testimony, however, of the applicant Akin, and coupling it with the fact that his wife procured a divorce from him, the Department is warranted in finding that your decision is correct. It is accordingly hereby affirmed.

The Department has considered the argument filed by the applicant's attorneys.

A copy of the Commissioner's letter of December 5, 1902, transmitting your letter, is inclosed.

Respectfully,

(signed) Thos. Ryan
Acting Secretary.

1 inclosure.

Cherokee D 520.

Muskogee, Indian Territory, January 6, 1903.

James H. Akin,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 12, 1902.

Respectfully,

Acting Chairman.

Cherokee D 520.

Muskogee, Indian Territory, January 6, 1903.

G. B. Denison,
Attorney for James H. Akin,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, rejecting the application of James H. Akin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 12, 1902.

Respectfully,

Acting Chairman.

Cherokee D 520.

Muskegee, Indian Territory, January 6, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, rejecting the application of James H. Akin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 12, 1902.

Respectfully,

Acting Chairman.

D.C. 2820-1903

J.P.

DEPARTMENT OF THE INTERIOR,

FHE

WASHINGTON.

I.T.D. 6085-1902.

6200- "

6849- "

6874- "

7546- "

653-1903.

January 24, 1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

You are informed that the Department has this day granted a motion to reopen the case of James H. Akin, involving his application for enrollment as a citizen of the Cherokee Nation, rejected by the Department December 12, 1902.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

Cherokee 782

Muskogee, Indian Territory, February 24, 1905.

James H. Akin,

Vinita, Indian Territory.

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation you filed with that application a marriage license and certificate showing your marriage on June 15, 1880 to Fannie Pool.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Chairman.

Encl-S-24

GRS

D.C. 53174-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

FILE.

I.T.D. 1554-1903.

November 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of January 24, 1903,
relative to the Cherokee enrolment case of James H. Aiken,
applicant for enrolment as an intermarried citizen of the
Cherokee Nation, you are advised that in view of the decision
of the Supreme Court of the United States, dated November 5,
1906, in the cases of Daniel Red Bird, et al., vs. the United
States, Nos. 125, 126, 127 and 128, appealed from the Court of
Claims, a motion to reopen the case, of which you were advised,
is denied.

The Indian Office will advise the local attorneys hereof.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the commissioner
of Indian Affairs.

15 inc. for Ind. Of.

Cherokee
R 782

Muskogee, Indian Territory, December 14, 1906.

James H. Akin,

Vinita, Indian Territory.

Dear sir:

Referring to your application for enrollment as
a citizen by intermarriage of the Cherokee Nation you are
advised that your motion for a reopening of said case was
denied by the Secretary of the Interior on November 30,
1906.

Respectfully,

L M B

Commissioner

Cherokee
R 782

Muskogee, Indian Territory, December 14, 1906

G. B. Denison,

Attorney for James H. Akin,
Vinita, Indian Territory.

Dear Sir:

Referring to the application for the enrollment of James H. Akin as a citizen by intermarriage of the Cherokee Nation, you are advised that a motion for a reopening of said case was denied by the secretary of the Interior on November 30, 1906.

For your information a copy of the Departmental letter referred to is herewith enclosed.

Respectfully,

Encl. B-76

Commissioner

Cherokee
R 782

Muskogee, Indian Territory, December 14, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

~~Referring to the application for the enrollment~~
of James H. Akin as a citizen by intermarriage of the
Cherokee Nation, you are advised that a motion for a re-
opening of said case was denied by the Secretary of the
Interior on November 30, 1906.

For your information a copy of the Department-
al letter referred to is herewith enclosed.

Respectfully,

Encl. B-77

Commissioner

CHEROKEE R 782

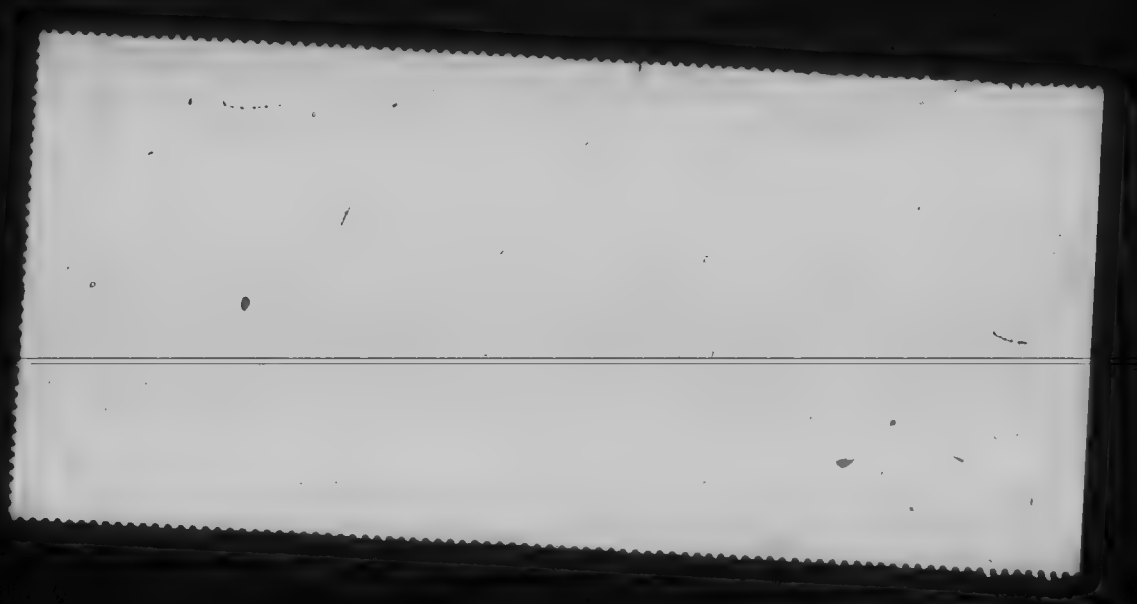
James H. Allen

Amid

Action approved.
See Dnt.

Dec 12 14 0.50

✓
Transferred from
Cherokee D-520



Cher R 783

Cher R 783

(1)

COMMISSIONER OF THE
FISH
OCT 2

Department of the Interior,
Bureau of Indian Affairs, Civilized Tribes,
Wichita, I.T., October 1, 1902.

In the matter of the application of John O. McDonald for the
enrollment of himself, wife and two children as citizens of the
United States, and in support of which the following testimony is
submitted:

Q. I am your father, A. John O. McDonald.

Q. Where were you born, A. ...

Q. In what State or Territory, A. Winchester, Md. Court.

Q. How long have you lived in the Territory, A. I have lived here, I live
in ... at present.

Q. How long have you lived in the Territory, A. I have lived here
for ... years.

Q. How long have you lived in the Territory, A. I have lived here
for ... years.

Q. How long have you lived in the Territory, A. I have lived here
for ... years.

Q. How long have you lived in the Territory, A. I have lived here
for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

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for ... years.

Q. How long have you lived in the Territory, A. I have lived here
for ... years.

Q. How long have you lived in the Territory, A. I have lived here
for ... years.

Q. How long have you lived in the Territory, A. I have lived here
for ... years.

Q. How long have you lived in the Territory, A. I have lived here
for ... years.

June 2. 1900. at 2

1894 roll page 25. The following is the record of the case.

At the hearing of the case on June 2. 1900. the following was said:

Q. How long have you lived in the State of Missouri? A. I lived out of the State.

Q. How long have you lived in the State of Missouri? A. I lived out of the State.

Q. How long have you lived in the State of Missouri? A. I lived out of the State.

Q. How long have you lived in the State of Missouri? A. I lived out of the State.

Q. How long have you lived in the State of Missouri? A. I lived out of the State.

Q. How long have you lived in the State of Missouri? A. I lived out of the State.

Q. How long have you lived in the State of Missouri? A. I lived out of the State.

Q. How long have you lived in the State of Missouri? A. I lived out of the State.

Q. How long have you lived in the State of Missouri? A. I lived out of the State.

The applicant's records certify that he is the wife Miss ...

The applicant's records certify that he is the wife Miss ...

M.D. GEORGE, being first duly sworn, at Los Angeles, California, to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of October 1900.

[Signature]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 5 1900

ARTIN, CHARMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

OCT 5 1900

1900.

Date

Name

District

Citizen by blood

Intermarried citizen

Married under what law

License

Wife's name

District

Citizen by blood

Intermarried citizen

Married under what law

License

COOWEESCOOWEE.

Year

Page

No.

Date of marriage

Certificate

Year

Page

No.

Mother's citizenship

Date of marriage

Certificate

OCT 5

1900

Names of Children:

3 *Uelma C. McNeil* Dist. *COOWEESCOOWEE.*

4 *Newton H.* Dist. *COOWEESCOOWEE.*

Year

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Age

*1, 3 & 4 admitted 1892, readmitted 1892
cert. of marriage attached,*

D533

Miss E. J. Bailey

Joe M. Mahay, Clerk
Cooweescoowee District
By R. Lee Comer,
Dept Clk.

May 7, 1902.

McKinnon

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of John O. McDonald, for the enrollment of himself, wife and children as citizens of the Cherokee Nation:

Appearances:

J. R. Sequichie, Agent, for applicants;
W W Hastings, for the Cherokee Nation.

The Commission: Applicant was notified by registered letter on February 12, 1902, that his application for the enrollment of himself, wife and minor children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 1st day of March, 1902, appears in person and by his agent J. R. Sequichie.

Is there any statement you desire to make?

Mr. Sequichie: Applicant calls attention to the certificates filed in the original application of the readmission of Isaac N. McDonald by the Cherokee National Council, that I think has already been filed. He has been readmitted twice, and for the reason of non residence is shown by the presentation of a certificate of a doctor advising that he has not resided in the Cherokee Nation the length of time as shown in the testimony. I wish to file the certificate.

Mr. Hastings: To which the attorneys for the Cherokee Nation respectfully object.

Mr. Sequichie: I wish to say that the applicant was possessed of a certificate of a doctor showing the reasons why he had not resided in the Cherokee Nation, it was presented and objected to by the representatives of the Cherokee Nation, and was withdrawn.

The Commission: The practice of the Commission has been not to accept affidavits as evidence in any case. Hence the affidavit introduced by the applicant was not made a part of the record in this case.

Mr. Hastings: The evidence in this case shows that this applicant has been a continuous resident of Knobnoster, Missouri, since 1882, and was at the time of his application for enrollment in 1900, and has clearly forfeited what rights he ever had, if any, to enrollment in the Cherokee Nation, by being a non resident.

Mr. Sequichie: Special attention is called to the minor children involved in this application.

Mr. Hastings: The Cherokee Nation contends that, inasmuch as these minor children were born in the State of Missouri, they clearly follow the citizenship of the father.

The Commission: The agent for the applicants and the representative of the Cherokee Nation present submit the case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this March 3, 1902.

M. D. Green
MP

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 28, 1902.

In the matter of the application of John O. McDonald for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

MINNIE B. McDONALD, being sworn, testified as follows:

By the Commission,

- Q What is your name? A Minnie B. McDonald.
- Q How old are you, Mrs. McDonald? A I am thirty-nine. You will have to talk a little louder; I am a little hard of hearing.
- Q What's your postoffice address? A Knobnoster, Missouri.
- Q You're an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes, sir.
- Q What is your husband's name? A John O. McDonald.
- Q Is he a citizen by blood of the Cherokee Nation? A Yes, sir.
- Q When were you married to John O. McDonald? A We were married in '79.
- Q Where were you married, Mrs. McDonald? A We were married in Johnson County, Missouri.
- Q How soon after your marriage did you come to the Territory?
- Q Why, I have never lived in the Territory. My husband has but I have never lived in the Territory.
- Q You have never lived in the Territory? A No, sir, my husband had.
- Q How soon after your marriage did your husband come to the Territory? A Well, off and on.
- Q He has never really made this his home? A Not since we were married.
- Q You have never kept house in the Territory since you were married, you and he? A No, sir, never kept house.
- Q Always lived up there in Missouri, had a home up there? A Yes, sir, his health will not permit him to live in the Territory.
- Q When was the last time Mr. McDonald was in the Territory?
- A He was here last March.
- Q How long did he stay when he was here? A Well, he was here, I think, about ten or fifteen days, as well as I remember.
- Q When was he here the time before that, if you know? About how long ago has it been? A Well, he was here in March, I think. He was here in the fall before, if I remember right. He has been here about once a year for the last eight or ten years.
- Q Just stayed a few weeks? A Yes, sir.
- Q You never came with him on those trips? A Yes, I have been down.
- Q How many times? A This is the second time.
- Q How long did you stay down here on your first trip? A About two weeks.
- Q What town did you stop at? A Why, at - well, we did not stop at any town but close to Bluejacket at his brothers.
- Q You did not have any house of your own at all? You just stopped with his brother? A Yes, sir.
- Q Were you ever married before you married Mr. McDonald? A No, sir.
- Q Was he ever married before he married you? A No, sir.

Q Have you lived together as husband and wife from your marriage up to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together as husband and wife on the first day of September, 1902? A Yes, sir, never been separated.
Q Are these two children, Velma E. and Newton O., your children? A Yes, sir.
Q Mr. McDoanld their father? A Yes, sir.
Q These two children have never lived in the Territory any more than you? A No, sir.
Q And when you come they would come? A Yes, sir.
Q And what is true of your residence is also true of their residence? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of December, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

On the matter of the application of John O. McDonald for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 5, 1900, the applicant, John B. McDonald, appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage of the Cherokee Nation. Further testimony was submitted in this case on March 1, 1902 at Muskogee, Indian Territory.

It appears from the evidence in support of this application and from the records of the Cherokee Nation in possession of this Commission that John O. McDonald was admitted to citizenship in the Cherokee Nation on September 17, 1880. It further appears that John O. McDonald and his two minor children, Velma E. and Newton O. McDonald, were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved December 2, 1892. It further appears that the applicant and all those for whom application is herein made have not resided in the Cherokee Nation or in Indian Territory for eighteen years next preceding the application herein. John O. McDonald was lawfully married to his wife, Minnie B. on December 11, 1879. The applicant, John O. McDonald and his two minor children, Velma E. and Newton O. McDonald are identified on the 1894 Pay Roll of the Cherokee Nation.

The authority of the Commission herein is defined in Par.

9, Sec. 21, of the act of Congress, June 28, 1898(30 Stats., 495):

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is therefore the opinion of this Commission that John O. McDonald, Verna E. McDonald, and Newton O. McDonald are not lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that Minnie B. McDonald is not lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this NOV 20 1902

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FEB 21 1962

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902.

Mr. John C. McDonald,
Knobnoster, Missouri,

Sir:-

yourself, your wife and

You are hereby notified that the application of
two minor children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration
by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on
the first day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**You are required to supply the Commission with certificate
of readmission.**

Cherokee D-533
Register.

Yours truly,

Acting Chairman.

Commissioner in Charge.

COPY.

Cherokee D-533.

Muskogee, Indian Territory, November 25, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John O. McDonald for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application.

Respectfully,

Tamm Dixie
Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc. H-152.

COPY.

Cherokee D-533.

Muskogee, Indian Territory, November 25, 1902.

John O. McDonald,
Knobnoster, Missouri.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, ~~rejecting your application for the enrollment of yourself and your~~ two minor children, Velma E. and Newton O. McDonald, as citizens by blood, and for the enrollment of your wife, Minnie B. McDonald, as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been furnished your Agent, J. R. Sequiche Chelsea, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

by.
Acting Chairman.

Enc. H-149.
Register.

Cherokee D-533.

Muskogee, Indian Territory, November 25, 1902.

J. R. Sequichie,

Agent for John O. McDonald, et al,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 22, 1902, rejecting the application of John O. McDonald for the enrollment of himself and his two minor children, Velma B. and Newton O. McDonald, as citizens by blood, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamm Eixby,
Acting Chairman.

Enc. H-150.
Register.

COPY

Cherokee D-533.

Muskogee, Indian Territory, November 25, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of John O. McDonald for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamie Kirby
Acting Chairman.

Enc. H-151.

(Copy)

Refer in reply to the following:
Land
71264-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Dec.13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated November 25, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes, relative to the application of John O. McDonald for the enrollment of himself and his two minor children,

Velma E. and Newton O. McDonald, as citizens by blood and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage of the Cherokee Nation.

November 20, 1902, the commission held that the applicants were not entitled to enrollment.

The record in this case shows that John O. McDonald was admitted to citizenship in the Cherokee Nation on September 17, 1888.

It further appears that he and his two minor children were admitted to citizenship by act of the national council approved December 2, 1892. McDonald was lawfully married to his wife on December 11, 1879.

These applicants had not resided in Indian Territory for 18 years prior to their applications.

-2-

Not having resided in the Indian Territory on June 28, 1898, they are not entitled to enrollment and the approval of the commission's decision is recommended.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

(G.A.W.)

P.

DEPARTMENT OF THE INTERIOR.

FHE

WASHINGTON.

I.T.D. 7718-1902.
7708-1902.

December 17, 1902.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of John O. McDonald for the enrollment of himself and his minor children, Velma E. and Newton O. McDonald, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage of said Nation.

There is no dispute as to the material facts. Your decision of November 20, 1902, is as follows:

"It appears from the evidence in support of this application and from the records of the Cherokee Nation in possession of this Commission that John O. McDonald was admitted to citizenship in the Cherokee Nation on September 17, 1880. It further appears that John O. McDonald and his two minor children, Velma E. and Newton O. McDonald, were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved December 2, 1892. It further appears that the applicant and all those for whom application is herein made have not resided in the Cherokee Nation or in Indian Territory for eighteen years next preceding the application herein. John O. McDonald was lawfully married to his wife, Minnie B., on December 11, 1879. The applicant, John O. McDonald and his two minor children, Velma E. and Newton O. McDonald are identified on the 1894 Pay Roll of the Cherokee Nation.

"The authority of the Commission herein is defined in Par. 9, Sec. 21, of the act of Congress, June 28, 1898 (30 Stats., 495):

'No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.'

It is therefore the opinion of this Commission that John O. McDonald, Velma E. McDonald, and Newton O. McDonald, are not lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that Minnie B. McDonald is not lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be refused, and it is so ordered."

Submitting the case December 13, 1902, the Commissioner of Indian Affairs recommended that your decision be concurred in. Finding no reason to disturb your decision, it is hereby affirmed. Copy of Commissioner's letter inclosed.

Respectfully,

(signed) Thos. Ryan
Acting Secretary.

1 inclosure.

Cherokee D 533.

Muskogee, Indian Territory, January 6, 1903.

John O. McDonald,
Knobnoster, Missouri.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of yourself and your two minor children, Velma E. and Newton O. McDonald, as citizens by blood, and for the enrollment of your wife, Minnie E. McDonald, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 17, 1902.

Respectfully,

Acting Chairman.

Cherokee D 533.

Muskogee, Indian Territory, January 6, 1903.

J. R. Sequichie,

Agent for John O. McDonald et al,
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of John O. McDonald for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by inter-marriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 17, 1902.

Respectfully,

Acting Chairman.

Cherokee D 533.

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of John O. McDonald for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by inter-marriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 17, 1902.

Respectfully,

Acting Chairman.

Cherokee R-783

Muskogee, Indian Territory, February 4, 1903.

John O. McDonald,
Knobnoster, Missouri.

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application a certificate showing your marriage on December 11, 1879, to Miss Minnie B. Howard.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Encl-S-79
GRS

JP FHE
LRS

D. C. 5974-1904.

I.T.D. 7718-1902
7162-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 17, 1904.

Commission to the Five Civilized Tribes,
Tulsa, Indian Territory.

Gentlemen:

~~December 17, 1903~~, the Department affirmed your decision reflecting the application of John O. McDonald, for the enrollment of himself and his minor children, Verna E. and Newton O. McDonald, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage of said Nation.

It appears that McDonald was admitted to citizenship in the Cherokee Nation on September 17, 1880, and that he and his two minor children were admitted to citizenship by an act of the National Council of said Nation December 2, 1892. The applicants have not resided in the Indian Territory for eighteen years prior to their application.

On September 21, 1903, you recommended that the record in this case be returned to you, in order that the case might be rejudicated in the light of the opinion of the Assistant Attorney General in the Yeargain case.

-2-

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, the Department does not consider it necessary to remand the case.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE CIVILIZED TRIBES

NOV 1 1907

Muskoige 23 4/18/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of John O Mc Donald et al

for enrollment as

citizens

of the Cherokee Nation.

Cherokee

D

No.

633.

A. C. Sequichie
Agent for applicant.

→ CHEROKEE 783 R

John R McDonald
et al

Amended
Petition for In Rem
Dec 17 1887

R

783

Carry for C. W. D.
733.

Cher R 784

Cher R 784

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 23d, 1900.

Q What is your name? A Smith Bushyhead.
Q How old are you, Mr. Bushyhead? A I am 51.
Q What is your post office? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Cherokee? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood have you got? A I could not tell you that.
Q What do you want to enroll, yourself and who else? A Wife and one child.
Q What is the name of your wife? A Nellie.
Q Is she a citizen by blood? A She is a white woman.
Q When did you marry her? A Married her the year of the old settler payment.
Q Have you a certificate of marriage? A No, sir, I lost it.
Q When was the old Settler payment, before or after 1880? A After
Q What was her name before you married her? A Summers.
Q How old is she? A 21.
Q What is the name of your child? A Mamie Edna
Q How old is she? A She will be three years old the last of this month.

Q Is Nellie the mother of this child, Mamie? A Yes, sir.
Q You say you have no certificate of marriage at all? A No, sir, I lost it.

Q Who married you? A Joe Lahay's Clerk.
Q Is he living? A Yes, sir.
Q Where you married here at Claremore? A Yes, sir.
Q What is his name? A Fred McDaniel.
1880 Roll; page 74, #384, Smith Bushyhead, Cooweescoowee.
1896 Roll; page 116, #540, Smith Bushyhead, Cooweescoowee.
1896 Roll; page 296, #114, Nellie Bushyhead, Cooweescoowee.
Q Have you got any proof of birth as to Mamie? A No.
Q How long have you been living in the Cherokee nation? A I expect
I have been living here about 51 years.
Q Is Nellie Summers your first wife? A No, sir.
Q Your first wife living? A No, sir, she is dead.
Q Did she before before you married Nellie Summers? A Yes, sir.
Q Are you living with Nellie Summers now? A Yes, sir.

Com'r Needles:--The name of Smith Bushyhead appears upon the authenticated roll of 1880 as well as the census roll of 1896, as a Cherokee Indian by blood. He avers that he was married to one Nellie Summers, a non-citizen about four years ago, and the name of

his wife, Nellie, is found upon the census roll, of 1896, but res-
ents no certificate of marriage or proof of marriage,, and he avers
he has one child, Mamie, three years old the result of said marriage,
and presents no proof of birth as to said child. Consequently the
said Smith Bushyhead will be duly listed for enrollment as a Chero-
kee citizen by blood, and his child, Mamie, as a Cherokee citizen
by blood, upon the filing with this Commission satisfactory proof
of marriage to his wife, Nellie, and proof of birth as to this child.
His wife, Nellie, is also found upon the census ~~roll~~ roll of 1896,
as Nellie Bushyhead. Final judgment as to her enrollment will be
suspended and her name will be placed upon a doubtful card, awaiting
a certificate of marriage between her and said Smith Bushyhead.
Said applicant not now knowing the date of his marriage. The indica-
tions are that it was in the year 1896; if so, her enrollment will
be rejected.

Smith Bushyhead:--2.

E. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof,

J. O. Rosson

Subscribed and sworn to before me this 24th day of October, 1900.

C. H. Merriam

Commissioner

DEPARTMENT OF
COMMISSIONER OF THE

FILE

FILE NO. 1000

f

CHEROKEES BY BLOOD AND ADOPTION.

Date *Oct 23* 1900 1900.

Name

District

Citizen by blood

Intermarried citizen

Married under what law

License

Wife's name

District

Citizen by blood

Intermarried citizen

Married under what law

License

Names of Children:

Mother's citizenship

Year Page No.

Date of marriage

Certificate

COOWTESCOOWEE.

Year Page No.

Mother's citizenship

Date of marriage

Certificate

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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Dist.	Year	Page	No.	Age

Certificate of marriage to be supplied

DEPARTMENT OF THE ARMY
COMMISSION TO THE ARMY
F I L E S
OCT 29 1900

ATTORNEY GENERAL

STATE OF ARIZONA
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLARK, I.T., OCTOBER 30th, 1900.

TO THE COMMISSION, TESTIMONY in the matter of the application of
Ellie Bushhead, D. #676, and Willie Bushhead, 4766, for enrollment
as citizens of the Cherokee Nation:

WILLIAM K. SANDERS, being first duly sworn by Commissioner
Bookinridge, testified as follows:
INTERVIEW BY THE COMMISSION:

- Q What is your name? A William K. Sanders.
Q What is your age? A 45.
Q What is your post office address? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Are you acquainted with Willie Bushhead, the wife of Ellie
Bushhead? A Yes, sir.
Q How long have you known her? A Since about '93.
Q Is she a white woman or Cherokee citizen by blood? A She has
always been recognized as a white woman.
Q Do you know when she was married to Bushhead? A I could not
give the date, to the best of my knowledge somewhere in the Spring
of 1896.
Q Have they been living together continuously since that time as
man and wife? A Yes, sir.
Q So recognized by the neighbors here? A Yes, sir.
Q Was Ellie Bushhead and Willie Bushhead married in 1896 or
1895; do you know of your own personal knowledge when they were
married? A No, sir, I do not.
Q When do you think they were married? A I think they were mar-
ried in the Spring of 1896.

INTERVIEW BY W. W. HASTINGS, Cherokee Representative:

- Q When did Bushhead tell you that they married? A He told me
this morning that he thought it was in the Spring of 1896.
Q That was his best judgement? A That was his best judgement.

W. W. Hastings:--The Attorney for the Cherokee Nation desired
to call the Commission's attention especially to the date in the
certificate of marriage filed herewith, it being March 31, 1896,
when the rest of the testimony shows that that was evidently an
error, and should have been March 31, 1896, as shown from the rest
of the testimony. This certificate was not given until four years
afterwards and is perhaps a mistake of the Clerk as to the date.
I am satisfied as to the proof of the marriage.

---000000000---

J. O. Hanson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the supplemental testimony and proceedings in this case,
and that the foregoing is a true and complete transcript of his
stenographic notes thereof.

Subscribed and sworn to before me this 31st day of October, 1900.

[Signature]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 20 1902

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS AND TESTIMONY in the matter of the application of Nellie Bushyhead for enrollment as a Cherokee citizen.

Appearances:

A.M. Callaway, Claremore, I.T., attorney for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: 7th day of March, 1902, appears by her attorney, A.M. Callaway, of Claremore, I. T.

W.E. SANDERS, being first duly sworn and being examined on behalf of the CHEROKEE NATION, testified as follows:

BY MR. HASTINGS:

Q What is your name? A W.E. Sanders.

Q What is your age? A Soon be 42.

Q What is your post-office? A Claremore, Indian Territory.

Q Mr. Sanders, you were an applicant around the Commission during the Cherokee enrollment? When it was in session at Claremore, were you not? A Yes sir.

Q You testified, according to this record, in October, 1900? A Yes sir.

Q You know Smith Bushyhead? A Yes sir.

Q You know his wife, Nellie? A Yes sir.

Q Now the day after they enrolled, or a short time after they enrolled, did you have any conversation with Smith Bushyhead as to the time he and his wife married? A Yes sir.

Q What time did he tell you they married? A I don't remember now what year, but he said he was going to get a statement from the clerk that he married them and the clerk that married them was in the office at the time and he signed a statement as to the best of his recollection, but I don't remember now the statement that he signed.

Q I know, that statement is here, but what statement did Smith Bushyhead, what did he tell you as to when he was married, whether it was 1895 or 1896? A It was 1896.

Q That was after he had been in before the Commission? A Yes sir.

Q Did he say whether or not there was any error as to this statement that was sent him? A Yes, he said the clerk made a mistake,

Q And that he married in 1896? A Yes sir.

Q That was after he had been before the Commission? A Yes sir.

BY MR. CALLAWAY:

Q Did he tell you positive or that he thought? A He said he was positive that there was a mistake made, that he was not married until 1896.

BY COMMISSION: By agreement between the attorney for the applicant and the attorney for the Cherokee Nation in this case it is continued until the 21st day of March, 1902.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

1676

Office of the Commissioner of the General Land Office
Washington, D. C.
April 5, 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PACIFIC COAST
FILED
APR 5 1902

[Signature]

ACTING CHAIRMAN

REPORT OF THE COMMISSION TO THE PACIFIC COAST
ON THE PROGRESS OF THE WORK DURING THE YEAR 1901
AND THE RECOMMENDATIONS FOR THE FUTURE

Printed by the Government Printing Office
Washington, D. C.
1902

R.

C. D-676.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Nellie Bushyhead for the enrollment of herself as a citizen of the
Cherokee Nation.

Appearances:

I. P. Bledsoe, Agent for applicant.
W. W. Hastings, attorney for applicant.

GEORGE BUSHYHEAD, being first duly sworn, and being examined,
testified as follows:

MR. BLEDSOE: What is your name. A George Bushyhead.

Q How old are you? A Thirty-five years old.

Q Where do you live? A Saline.

Q Cherokee Nation? A Yes sir.

Q Are you a Cherokee Indian by blood? A Yes sir.

Q What is your father's name? A Smith Bushyhead.

Q Where does he live? A Close to Foyil(?)

Q Do you know his wife, Nellie? A Yes sir.

Q Do you know when he married her?

A A little after I married

Q When did you marry? A In 1895, the 7th day of March.

Q Marry in the same month? How long after you married that he
married?

A I didn't remember, but it was after I was married, in that year.

Q How long after you married? A About three or four months,
I believe.

Q Did he marry in the same year you married? A Yes sir.

Q And you know that you married the 7th day of March, 1895?

A Yes sir.

MR. HASTINGS: Were you living up there with your father?

A No, I live in Saline.

Q Sixty or seventy miles from him? A Yes sir.

Q When did you go to see him after you was married?

A A year afterwards-- a little over three months.

Q Where was your father living then?

A North from Jake Lipe's place.

Q In the house? A Yessir.

Q How far from Jake Lipe's?

A Half a mile or over.

Q What year is this? A This is 1902.

Q How many years ago has it been since 1895? A Seven years.

Q Were you ever married before you married this woman? A No sir.

Q Do you know what year the Cherokee payment was?

A Which Cherokee Payment.

Q The Cherokee strip payment? A That was 1894.

Q What day of the month did you marry on. A In March.

Q What date? A The 7th.

Q It was three or four months after that before you saw your
father? A Yes sir.

Q Do you swear now that he was married?

A I was married in 1895; and after I married I went to see him over
to the Verdigris. It was in the same year.

Q When you made that trip, you will swear that your father was
married and living with that wife at that time? A Yes sir.

Q During that year? A Yes sir.

Comes now the representative of the Cherokee Nation, and moves that this case be continued until April 8th, for the purpose of thoroughly investigating the question as to the marriage of Smith Bushyhead and his wife Nellie.

BY COMMISSION: The motion of the representative of the Cherokee Nation will be entertained.

Notice is hereby given to the ~~next~~ agent of the applicant, that on said date testimony will be introduced by the representative of the Cherokee Nation tending to disprove the right of the applicant to citizenship in the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
NELLIE BUSHYHEAD as a citizen of the Cherokee Nation, introduced
on part of the Cherokee Nation:

Case continued By agreement from March 7th to March 21,
1902. The applicant this day appears by her husband, Smith
Bushyhead, and her Agent, I. P. Bledsoe.
Mr. W. W. Hastings, Cherokee Representative, present.

SMITH BUSHYHEAD, being duly sworn, testified as follows:
MR. HASTINGS:

- Q What is your name? A Smith Bushyhead.
Q Your wife named Nellie Bushyhead? A Yes, sir.
Q Your post office is Claremore? A Yes, sir.
Q Were you ever married before you married this woman?
A Yes, sir.
Q What was your wife's name? A First one?
Q Yes? A Lizzie.
Q Was she dead; did you live with her until she died? A No.
Q Did you separate? A Yes.
Q Did you get a divorce from her? A Yes, sir.
Q Who was your next wife? A Nellie.
Q Nellie was your second wife then? A Yes, sir.
Q Did you live with any other woman in between that first wife and
second wife? A Yes, worked for several of them.
Q Did you live with a woman as your wife? A Oh, no!
Q When did you marry Nellie Bushyhead? A I married her before
the old Settler payment.
Q In March? A Yes.
Q Well, you know that that was March, 1895 or March 1896?
A No.
Q You don't know? A No.
Q Don't you work for Mr. Lipe's people in the summer of 1895 and
married the next spring, March? A I could not tell you that.
Q You know now how many years ago you married? A No.
Q You don't know? A No.
Q Don't you have any idea? A No, sir.
Q Well, when did you get your divorce, did you get it before you
married your last wife? A Oh, yes.
Q Well, you got it in March before the old Settler payment; I mean
you married this woman in March before this old settler payment?
A Yes, sir.
Q Is that the way of it? A Yes, sir.
MR. BLEDSOE:
Q You got a certificate of your marriage didn't you? A Yes.
Q You got a paper to show when you was married? A Yes.
Q Who did you get that from? A I got it from Tahlequah.
Q Get it from the Executive office over there? A Yes.
Q Who did you have to write to to get that paper from over there,
who was the Clerk at Claremore, who did you write to to get it?
you told me out doors yonder; it was when Joe LaHay was at Clare-
more? A I don't understand it.
Q Who got that certificate for you? A Which?
Q Certificate of marriage?

Mr. Bledsoe: We object to all this testimony because the record is there, the certificate is there from the executive office showing that he was married in March, 1895. We object to all this testimony because the record is the best testimony that can possible be adduced.

MAGGIE L. LIPE, being duly sworn, testified as follows
on part of Cherokee Nation:
MR. HASTINGS:

- Q What is your name? A Maggie E. Lipe.
Q What is your post office, Mrs. Lipe? A Oolagah.
Q How long have you lived in and about Oolagah? A I moved there in '76, on the 27th day of April.
Q Do you know the applicant's husband, Smith Bushyhead? A Yes, sir I have known him ever since I moved there; I have known him ever since I have been there; I don't know how long I have known Smith.
Q Does he work for you? A He does all of our choring, evrything I need that a farm hand can't he does that.
Q Worked and lives there near? A He worked there most of the time and lives there, he kept a room and trunk there and all of his tools, and moved off in 1896, when he married.
Q When did he marry? A He married in March, 1896, just before the old settler payment.
Q Do you know where he was in March 1895? A Yes, sir; he was working for me, stacked wheat, and then he went away, Mr. Musgrove wanted him to built a flue for him, and he went off and I didn't see him any more until in January, it was in 1896, and I tried to get him to put this marriage off and come and build a fence for me.
Q You are positive of that? A Yes, sir, I am positive of that as I am that I am here; Smith knows it.
Q Have you ever talked to his wife about the date of this marriage? A Yes, I told both of them I was coing down here to swear against them; Didn't I, Smith, tell you that?
Q What date did she tell you she was married in? A She doesn't know either.

COMMISSION:

- Q Does he know? A He says he doesn't. He told me March 31; wasn't it, Smith, in March before the old settler payment, 31st, 1896.

MR. BLEDSOE:

- Q Are you positive it was the year 1896? A Yes, sir; am I here, I am positive.
Q What makes you say positive about that, Mrs. Lipe.
A Why I have known Smith all these years.
Q What particular instance makes you know it was in 1896?
A Because he brought his wife down there; I know the years, I don't forget years, and it was just before this old settler payment and brought his wife out there in July and she helped me.
Q Worked through the harvest in 1895? A In 1896, sir.
Q Do you know what he was doing in March, 1895? A Yes, sir; he stacked hay for me.
Q Do you know what he was doing in 1894? A Yes, sir, he followed the payment.
Q Do you know what he did in 1893? A No, sir.
Q Do you know what he was doing in 1897? A In 1897 he was at home.
Q What did he do that year? A Smith generally fishes around and hunts, it is not my business to keep up with the neighbors all the while.

Q Does he live neighbors to you? A Yes, sir; just half a mile.
Q Isn't it a fact that you are afraid that if his wife got on that roll, you are afraid she would get some of your land?
A No, sir.
Q Isn't there some little felling between you? A No, sir, she is my best friend; she was there visiting the other day, wasn't she Smith. I am doing my duty, told them both I would come.

HERMAN LIPE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HASTINGS:

Q What is your name? A Herman Lipe.
Q You are the son of the other witness? A Yes, sir.
Q Post office Oolagah? A Yes, sir.
Q What is your age? A 26.
Q Do you know Smith Bushyhead? A Yes, sir.
Q Do you know his wife, Nellie? A Yes, sir.
Q Where were you in the year 1895? A I was at home with my mother.
Q Did you go to school that year? A I went the ~~part~~ first part of 1896 up until June, just about the first day of June and I came home from the Seminary.
Q Where was Smith then? A He was then working for mother.
Q Was he a single man then? A Yes, sir.
Q That was in June, 1895? A Yes, sir.
Q When did he marry his wife Nellie? A He married her sometime the next winter, spring like.
Q You know that he was not in March, 1895? A No, sir.
Q It was in the spring of 1896? A Yes, sir; it was just before the old settler payment.

Mr. Bledsoe: Now comes the attorney for the applicant and objects to all this oral testimony upon the grounds that we have written testimony that is the best possible evidence that can be adduced in any court and no oral testimony should take precedence and rule out written testimony. If that did our government would be false and that would be simply a fragile fabrication. Written testimony has long since been considered our fundamental principle of law, while oral testimony is simply superfluous; and furthermore, the applicant, knowing the disposition of the Cherokee people by blood as affects white people, as feeling exists against them, we object upon that ground, and also upon the ground that the applicant in this case is almost a full blood Indian and totally ignorant of the facts.

Mr. Hastings: The Cherokee Nation contends that this record is clearly erroneous, as not only has been proven by the two witness present but also by W. E. Sanders, who not only testified at Claremore, Indian Territory, about the time the first application was made for this woman, but also at a later date here at Muskogee, and this applicant was duly notified that evidence was going to be introduced at this date which would show that this certificate was an erroneous one, but instead of March 31, 1895, that he was married to this woman on March 31, 1896/

Mr. Bledsoe: All of which the agent for the applicant objects from the simply fact that written testimony should be

offset by published testimony and not by oral testimony.

Commission: The agent for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, being ~~sworn~~ do hereby certify that as stenographer to the commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 5, 1902.

In the matter of the application of Nellie Bushyhead for the enrollment of herself as a citizen of the Cherokee Nation.

CASE REOPENED BY AGREEMENT.

Case continued by agreement from March 24
to April 5, 1902.

Applicant represented by I. P. Bledsoe, Chouteau, I.T.
Cherokee Nation represented by W. W. Hastings.

MR. HASTINGS: The Cherokee Nation desires to offer in evidence a certificate from the Executive Department of the Cherokee Nation, which shows the condition of the marriage records of Cooweescoowee District and the pages immediately preceding and those immediately following the entry of the marriage certificate of Smith Bushyhead and Nellie Case; the said certificate being dated the 26th day of March, 1902, and signed by J. T. Parks, Executive Secretary, with the seal of the Cherokee Nation.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings; age is 35 years; postoffice is Tahlequah. I am the representative of the Cherokee Nation before the Commission to the Five Civilized Tribes in making a roll of Cherokee citizens.

I wanted to satisfy myself as to the date of this marriage, there having been considerable controversy about it. I went to Tahlequah on I think the 26th of March, and remained over there a week, and during this time I consulted this marriage record. I kept in mind that some of the witnesses had testified that this marriage took place on the 31st day of March, 1895, while others testified that it took place on the 31st day of March, 1896; and I examined the book which contained this marriage certificate for the purpose of noticing the dates of the entries which were made immediately before this entry was made, and the dates that were made after that, and I found that perhaps for twenty entries made prior to this one that they were made in the year 1896, and the front side of the page upon which this marriage certificate was recorded contains the entry that is found upon this certificate that I have just filed, which was to the effect that the entries had been made up to there March 31, 1896.

I did this, as above stated, believing that if this marriage really took place in 1895 that it was recorded at that time, and that these entries immediately before and immediately after would be in 1895, and that if it was a clerical error of the clerk why the entries before would show 1896 and the entries following would show 1896, and I found that the entries immediately before this and those immediately after, as above stated, were all 1896.

COMMISSION: The agent for the applicant and the representatives of the Cherokee Nation present submit the case. The record in the same is deemed completed, and will be reported to the Commission for final decision based on the evidence now of record.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 10th day of April, 1902.

Philip G. Renter

Notary Public.

A 676

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 5 1902

[Handwritten signature]

ACTING COMMISSIONER

Executive Department, Cherokee Nation.

I, J.T. Parks, Executive Secretary of the Cherokee Nation, do hereby certify that that Marriage Records of Cooweescoovee District are now in this office and that I am custodian of the same, and that upon examination I find on page 144, recorded the marriage of Mr. Smith Bushyhead and Miss Nellie Case dated 31st., day of March 1895, on the preceding page, 143 is the entry "Reported to here March 31st. 1896", on the preceding page, 142, appears the certificate of the Clerk to an agreement of marriage between two parties dated March 21, 1896, on the page following the record of ~~the~~ marriage of Smith Bushyhead to Miss Nellie Case, appears the certificate of marriage by the Clerk dated April 9th., 1896.

Given under my hand and seal of office

on this the 26th. day of March

A.D. 1896.

J. T. Parks
Executive Secretary

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE CIVILIZED TRIBES.

In the matter of the application of Nellie Bushyhead for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 23, 1900, Smith Bushyhead appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of his wife, Nellie Bushyhead, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at the following places in the Indian Territory, viz: At Claremore on October 30, 1900; and at Muskogee on March 7, 1902, March 21, 1902 and April 5, 1902. The other parties to this application are differently classified and are not embraced in this decision.

The evidence shows that the applicant is a White woman, and it is averred that she was lawfully married to Smith Bushyhead, a native Cherokee, on March 31, 1896. It is clearly established by the weight of evidence, however, that the date on which such marriage occurred was March 31, 1896.

The said Smith Bushyhead, husband of the applicant, is identified as a native Cherokee on the 1880 authenticated roll of the Cherokee Nation, and on the 1896 census roll of said Nation. The applicant is also identified on the 1896 census roll as a White adopted citizen.

Section 21 of the Act of Congress approved June 28, 1896, (30 Stats. 495), provides for the enrollment of Cherokee citizens "with such intermarried White persons as may be entitled to citizenship under Cherokee laws". Section eleven of the same Act shows that said rolls are to contain only the names of those who are entitled to share in the lands of the Cherokee Nation, and is as follows:-

"That when the roll of citizenship of any one of said Nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same".

An Act of the Cherokee National Council approved December 16, 1896, provides:-

"That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Section 659 to Sec. 669, inclusive, pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith

are hereby repealed.

The applicant having married a Cherokee by blood subsequent to the passage of said Act did not acquire rights of Cherokee citizenship.

It is therefore the opinion of this Commission that the application of Nellie Bushyhead for enrollment as a citizen by intermarriage of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 12 1902

1796

DEPARTMENT OF THE INTERIOR:
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1902

COMMISSIONERS.

HENRY L. DAWES.
TAMM BIXBY
THOMAS B. NEEDLES.
J. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17th

1902.

Mr. Smith Bushyhead,

Claremore, Indian Territory,

Sir:-

You are hereby notified that the application of **Nellie Bushyhead**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the seventh day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-676
Register.

Yours truly,

~~XXXXXXXXXX~~
Acting Chairman.

Commissioner in Charge.

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DEPARTMENT OF INTERIOR
COMMISSION TO THE UN-CIVILIZED TRIBES.
FILED
MAR 11 1906

COMMISSIONERS:
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee. 87 3/6/02

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of

Nellie Bushyhead for enrollment as

Cherokee Freedman:

Antiqua

A M Callaway

No. D. 676.

CC

Cherokee D 676.

Muskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Nellie Bushyhead for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated November 12, 1902, rejecting said application.

Respectfully,

Tame
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 16.

Cherokee D 676.

Muskegee, Indian Territory, November 14, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskegee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, rejecting the application of Nellie Bushyhead for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tame E. ...
Acting Chairman.

Enclosure K. No. 15.

CO:

Cherokee D 676.

Muskogee, Indian Territory, November 14, 1902.

I. P. Bledsoe,

Agent for Nellie Bushyhead,

Chouteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of Nellie Bushyhead for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated November 12, 1902, rejecting her said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.
Enclosure H. No. 14.

Cherokee D 676.

Muskogee, Indian Territory, November 14, 1902.

Nellie Bushyhead,

Claremore, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your agent, I. P. Bledsoe, Chouteau, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Acting Chairman.

Enclosure H. No. 13.

COPY

Refer in reply to the following:

Land
69072-1902

Department of the Interior,
Office of Indian Affairs,
Washington, December 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report, dated November 14, 1902, from the Acting Chairman of the Commission, forwarding the record relative to the application of Smith Bushyhead for the enrollment of himself, his wife, and child, as citizens of the Cherokee Nation. He applies for the enrollment of his wife as an intermarried citizen; the Commission's decision applies to Nellie Bushyhead only, the other applicants being differently classed.

November 12, 1902, the Commission held that Nellie Bushyhead was not entitled to enrollment as a citizen of the Cherokee Nation, by intermarriage.

The evidence shows that the applicant is a white woman and it is alleged that she was lawfully married to Smith Bushyhead, a Cherokee by blood, on March 31, 1895. The husband's name appears on the 1880 roll and on the 1896 census roll as an adopted white citizen. An act of the national council of the Cherokee Nation, approved December 16, 1895, provides that white persons intermarrying with Cherokees subsequent to that date, shall not be entitled to the right of citizenship in the Cherokee Nation.

Although the records of the Cherokee Nation show that the applicant and her husband were married on March 31, 1895, the preponderance of the evidence shows that the marriage took place on March 31, 1896. The husband testifies, "Well you know that that was March, 1895 or 1896." The record of this marriage is recorded at page 144 of the record of marriage licenses, Cherokee

Nation, and on the preceding page, 143, the following entry appears: "Reported to here March 31, 1896;" while on page 142 appears the certificate of the clerk to the agreement of marriage between two parties, which certificate is dated March 21, 1896. On the page following the record relative to the marriage of Smith Bushyhead and Nellie Bushyhead, nee Case, appears the certificate of marriage by the clerk under date of April 9, 1896.

The office believes that the evidence thoroughly establishes that these parties were married on March 31, 1896, and it therefore recommends the approval of the Commission's decision.

Very respectfully,

W. A. Jones,
Commissioner.

G.A.W. (B)

D.C. #25145

DEPARTMENT OF THE INTERIOR.

RAF

WASHINGTON.

ITD. 7544-1902.

December 15, 1902.

LRS

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the application for enrollment of Nellie Bushyhead as a citizen of the Cherokee Nation by intermarriage.

The evidence shows that the applicant is a white woman, and it is stated that she was married to Smith Bushyhead, a native Cherokee, on March 31, 1895, but it is clearly established by the weight of evidence that the marriage occurred on March 31, 1896, subsequent to the passage of the act of the Cherokee National Council of December 16, 1895, which provides that non-citizens marrying Cherokees after that date should acquire no rights of property, lands or money belonging to the Cherokee people. You therefore denied the application November 12, 1902.

Forwarding the papers December 6, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(signed) Thos. Ryan
Acting Secretary.

1 inclosure.

Cherokee D 676.

Muskogee, Indian Territory, January 6, 1903.

Nellie Bushyhead,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 15, 1902.

Respectfully,

Acting Chairman.

Cherokee D 676.

Muskogee, Indian Territory, January 6, 1903.

I. P. Bledsoe,

Agent for Nellie Bushyhead,

Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting the application of Nellie Bushyhead for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 15, 1902.

Respectfully,

Acting Chairman.

Cherokee D 676.

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting the application of Nellie Bushyhead for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 15, 1902.

Respectfully,

Acting Chairman.

Cher R 785

Cher R 785

DEPARTMENT OF
COMMISSION TO THE

NOV 20 1960

ACTING CHAIRMAN

Robert L. Owen for a suit and child ren 2

a year or two at Telegraph, a taught school, I think in 1881. Alice Owen inherited her mother's farm in Sequoyah District and for a short season claims Sequoyah as her district.

Q. It still holds that fact? A. Yes sir.

1880 roll examined for Alice L. and Jane Owen and not found;

1881 roll examined for Alice L. and Jane Owen and not found.

1884 roll page 206 #3223 Alice Owen Cherokee Nation Dist.

Q. Was Alice in Coconino? A. She had it is place I was told
ing off; I think she claimed in Sequoyah.

Q. She had a Coconino place also then? A. Yes sir.

1884 roll page 206 #3224 Alice Owen Jr. Coconino

1884 roll page 206 #3225 Jane Owen Coconino.

Q. Does Mr. Owen propose to come back to the Cherokee Nation and
live there? A. I couldn't answer that question.

Q. In these any purpose entertained by either of her daughters to
return to the Cherokee Nation and make it their home?

A. I couldn't answer that question.

Testimony by Charles Taylor J.L. Taylor:

Q. Alice Owen never returned after that admission. A. She has
been here on a visit; never lived here; she has a farm in Se-
quoyah and a farm in Coconino.

County Clerk's Office: The applicant applies for the enrollment
of Alice L. Owen and her two children; he states that Alice L. Owen
was re-enrolled to citizenship in 1881, at which time she was
substantially made her home in Truckee, Virginia; she is identified
on the roll of 1894, and she has continued to hold farming property
in the Cherokee Nation; it is desired that the Commission be fur-
nished with official evidence of her admission to citizenship
in 1881; to await this evidence, and for the further consideration
of her status arising from her period of non-residence in the Cher-
okee Nation, and the evidence is stated in the testimony, she
will now be listed for enrollment as a Cherokee by blood on a doubt-
ful card; the application is submitted to me application for this
lady because of the great expense and difficulty of making ap-
plication for herself, and it has been his custom to attend to all
of her affairs in the Cherokee Nation; for the same reason he is
permitted to make application for her two children as set in the
testimony, who are identified on the roll of 1894; they have lived
with their mother, except that the younger one was born in the Cher-
okee Nation and the older one, beginning in 1884, lived for two
years in the Cherokee Nation and taught school; they will be listed
for enrollment as Cherokees by blood on a doubtful card for further
consideration of their status.

Final decision of the commission will be made known to the app-
licant at his post-office address.

M.D. Green, being first duly sworn, states that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this 20th day of November 1900.

E. W. Green

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of ALICE L. OWEN,
ET AL., as citizens of the Cherokee Nation:

Robert L. Owen was notified by registered letter February 19, 1902, that his application for the enrollment of Alice L. Owen, and her two children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902.

Mr. W. W. Hastings, Cherokee Representative, present.

The following entry appears upon page 81 of the docket of the Cherokee Commission on Citizenship for the year 1880.

"Office Commission on Citizenship,
Tahlequah, C. N., January 26th, 1881.
Alice Owen and children, Robert Otway Owen, Jane Owen, William
Owen, Charles Owen, Owen Owen, Alice Owen,
versus Petition for Citizenship
Cherokee Nation.

The above case submitted by both parties Jany 27th, 1881. The above parties claim to be Cherokees by blood. Testimony shows that Alice Owen is a native born Cherokee and descendant of the noted Chisholm family and was educated and partly raised in Virginia; married there and is the mother of the children mentioned in the petition, to-wit: Robert Otway Owen, Jane Owen, William Owen, Charles Owen, Owen Owen, and Alice Owen. The Commission, therefore, feels justified in making the decision in favor of the above named claimants, admitting them to all the rights and privileges of Cherokee citizenship by blood.

January 31, 1881.

J. B. Mayes,
Clerk Commission."

Roach Young, President of the Com.
William Harnage
G. W. Mayes, Assistant Commissioners.

Commission: The said Robert L. Owen having this day, to-wit: the 11th day of March, 1902, been called and failing to respond it is considered that the case is completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

--ooo000ooo--

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had in this above case on this day, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the enrollment of
ALICE L. OWEN, JANE OWEN and ALICE OWEN as citizens by blood of the
Cherokee Nation.

-- o o o --

D E C I S I O N.

The record in this case shows that on November 19, 1900, Robert L. Owen appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of Alice L. Owen, Jane Owen and Alice Owen as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 19, 1902, March 11, 1902, and August 14, 1902.

The evidence shows that all the applicants herein were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on January 31, 1881.

It is further shown that, since the date of their admission to citizenship, they have resided continuously in the state of Virginia, up to and including the date of this application, and were not residents of the Cherokee Nation or Indian Territory on June 28, 1898.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Alice L. Owen, Jane Owen and Alice Owen as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 12 1902

307

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Alice L. Owen, Jane Owen and Alice Owen as citizens by blood of
the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on November 19, 1900, Robert L. Owen appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of Alice L. Owen and her daughters, Jane Owen and Alice Owen, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskegee, Indian Territory, on November 19, March 11 and August 14, 1902, and on the latter date the principal applicant, Alice L. Owen, appeared in person and testified in said case. The record further shows that on November 12, 1902, the Commission rendered its decision, denying said application, and forwarded the same to the Department of the Interior, which decision was approved by the Department on December 16, 1902; and that, afterwards, on July 9, 1903, the Department rescinded its former action in the matter of said application and remanded the case to the Commission for readjudication.

The evidence further shows that all the applicants herein were admitted as citizens by blood of the Cherokee Nation by the duly constituted authorities of said Nation on January 31, 1881; and that said applicants are identified on the 1894 Cherokee strip payment roll.

The evidence further shows that the principal applicant, Alice L. Owen, was born in the Cherokee Nation and resided therein, until about 1890, since which time she and her daughters, Jane and Alice Owen, have lived in the State of Virginia; that since 1890 the said Alice L. Owen has maintained control and possession of property and effects in the Cherokee Nation, the rents and profits of which were her principal source of income.

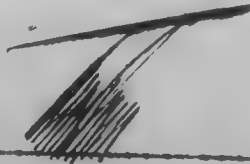
It further appears that the said Jane Owen and Alice Owen were of the ages of thirty-five years and twenty-one years respectively at the date of the original application herein and that neither of them were ever bona fide residents of the Cherokee Nation.

The Ninth paragraph of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Jane Owen and Alice Owen, daughters of Alice L. Owen, as citizens by blood of the Cherokee Nation should be denied, under the law above quoted; and it is further the opinion of this Commission, following the decision of the Department of the Interior in the case of Joseph D. Yeargain, et al. (I. T. D. 2900--1903), that the said Alice L. Owen should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.

Commissioner.



Commissioner.

Muskogee, Indian Territory,

this OCT 22 1903

I dissent and hold that
under the Yeargain case
of these applicants should be enrolled
as Cherokee citizens - C. R. Buckmaster
Commissioner

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

EX 826

Muskogee I. T. November 2nd 1903.

In the matter of the application for the enrollment of Alice L. Owen, Jane Owen and Alice Owen as citizens by blood of the Cherokee Nation
Protest of the Cherokee Nation.

The Cherokee Nation respectfully protests against the decision of the ~~Executive~~ Commission ordering Alice L. Owen enrolled as a citizen of the Cherokee Nation.

The Cherokee Nation concurs with the majority decision of the Commission denying enrollment of Alice Owen and Jane Owen. We see no similarity between this case and the Yeargain cases.

In the yeargain case the principal applicants were born in the Cherokee nation, their names were on all Cherokee rolls since their birth; they exercised all of the rights of citizenship in the Cherokee nation and resided therein continuously until five or six years ago they moved across the line into the state of Missouri and engaged in the mercantile business within a stones throw of the Cherokee Nation where the Cherokees in that section of the country did their trading; they at the same time conducted a mercantile business in the Cherokee Nation at Grove, I. T. ; maintained their homes in the Cherokee Nation where they had improvements and much valuable personal property; one was a census taker in 1896 and made the Census roll of Delaware District for that year; the other was a member of the senate of the Cherokee Nation about that time; they never missed an election in the Cherokee nation.

No such circumstances is presented in the case at bar.

Respectfully,

W. C. H. H. H. H. H.
Attorney for the Cherokee Nation.

AFFIDAVIT.

Personally appeared before me Owen Owen, a citizen of the Cherokee Nation, of Cooweescoowee District, who having been duly sworn, on his oath says:

In my twentieth year I went to the Cherokee Nation and established residence in the Cooweescoowee District in the employ of Robert L. Owen.

I left the Cherokee Nation in 1894, in the service of the United States, in the Treasury Department, and afterwards served the Government in various places, New York, Washington, Boston, Philadelphia, having gone on a trip to Costa Rica, Central America, representing the United States there in a counterfeiting case. I brought back from that trip nearly \$500,000. in counterfeit money.

I also the right of political domicile in the Cherokee Nation.

Robert L. Owen has been my agent, in relation to my rights to an allotment in the Cherokee Nation, and I still so recognize him.

My father died the 15th day of February, 1892. His name was William Otway Owen, of Lynchburg, Virginia.

My mother is Alice L. Owen, the daughter of Jane Bruton, of Sequoyah District. Her children were Robert Otway Owen, Jane Owen, William Owen, Charles Owen, Owen Owen and Alice Owen. They were made orphans by the death of my father, the 15th day of February, 1892.

My mother was born in the Cherokee Nation and belonged to the old settlers or Western Cherokees. Her mother, Jane Bruton, was never out of the Territory and is buried there. Her grandfather, Thomas Smith,

Her grandfather, Thomas Chisholm, an old settler Cherokee, one of the Chiefs of the Cherokee Nation at the time of his death, is buried in the Cherokee Nation at the old family homestead, on Beatties Prairie.

City of Philadelphia,)
State of Pennsylvania.) ss.

(Signed) Owen Owen.

Personally appeared before me Owen Owen who, having been duly sworn, made and signed the above statement as true to the best of his knowledge and belief.

In witness whereof I have hereunto set my hand and official seal this 10 day of June 1904.

(SMAI).

(Signed) Mark D Jones,
Notary Public.
Commission expires January 29, 1908

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 20th day of July, 1904.

Charles H. Sawyer

Notary Public.

United States of America)
Indian Territory
Northern District

Tahlequah June 7th. 1904.

Wilson O. Bruten, being first duly sworn, upon oath states:- My name is Wilson O. Bruten, I am forty years of age, and my present residence is Tahlequah, Indian Territory. I am Executive Secretary of the Cherokee Nation. I am a native-born Cherokee. Alice Owen Sr. is my sister and is also a native-born Cherokee and is entitled to enrollment as such. She had a bunch of cattle, of which I had charge, in Sequoyah District, Cherokee Nation, from 1881 to about 1896. She still owns the old homestead in said District, and there my mother and her mother is buried. She has never forfeited her rights as a Cherokee citizen, and is entitled to enrollment. My mother died in 1889 and my father in 1890; the estate was divided in 1890 at which time my said sister Alice Owen heired the homestead aforesaid, and has owned it ever since. Her cattle brand was recorded in the record for marks and brands in the office of District Clerk of Sequoyah District Cherokee Nation.

(Signed) Wilson O. Bruten

Subscribed and sworn to before me this the day and date above written.

(SEAL)

(Signed) W. R. Ramona,
Notary Public.

My Commission expires April 23, 1905.

(3rd term.)

Edith L. Morey, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes, she
made the above and foregoing copy, and that the same is a true
and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 20th day of July, 1904.

Charles H. Sawyer

Notary Public.

W. C. Rogers,
Principal Chief,
D. M. Faulkner,
Assistant Chief,
L. F. Parker, Jr.,
National Attorney,
J. H. Geval,
Interpreter.

Wilson O. Bruton,
Executive Secretary,
A. B. Cunningham,
Assistant Secretary,
C. J. Harris,
Assistant Secretary.

EXECUTIVE DEPARTMENT.

CHEROKEE NATION.

TAHLEQUAH, INDIAN TERRITORY.

By whom adopted. Style of brand. Ear & flesh marks. Date of Record.
Alice Owen 00 crop off left and April-1884
swallowfork in right.

I C. J. Harris, Assistant Executive Secretary of the Cherokee Nation,
do hereby certify that the above is a true and correct copy of the
record of the marks and brand of Alice Owen as is found on page 15,
record of Marks and brands for Sequoyah District, Cherokee Nation,
and that the said record is in the office and in my custody.

(SEAL)

(Signed) C. J. Harris,
Assistant Executive Secretary
Cherokee Nation.

Edith L. Morey, being first duly sworn, states that
as stenographer to the Commission to the Five Civilized Tribes,
she made the above and foregoing copy, and that the same is a
true and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 20th day of July 1904.

Charles H. Sawyer

Notary Public.

W. C. Rogers
Principal Chief
D. M. Faulkner
Assistant Chief
L. F. Parker, Jr.,
National Attorney,
J. H. Coval,
Interpreter

Wilson O. Bruton,
Executive Secretary
A. B. Cunningham,
Assistant Secretary
C. J. Harris,
Assistant Secretary.

EXECUTIVE DEPARTMENT
CHEROKEE NATION.

TABLEQUAH, INDIAN TERRITORY,
June 7th, 1904.

By whom adopted. Style of brand. Ear & flesh marks. Date of record.

Robert Otway Owen	00	orep & split in left ear, and swallowfork in right.	Dec. 19-1899
Wm. Owen	..	..	.. Range one
Chas. Owen	..	..	.. 4 1/2 H22
Jane Owen	..	..	.. from Mal-
Owen Owen	..	..	.. drow, Seq.
Alice L. Owen	..	..	.. Dist. C. N.

I C. J. Harris, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true copy of the record of the marks and brands of the parties named above, as found upon the record of marks and brands for Sequoyah District Cherokee Nation, and that the said record is of this office and in my possession.

(Signed) C. J. Harris
Assistant Executive Secretary,
Cherokee N.

(SEAL)

Edith L. Moray, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Moray

Subscribed and sworn to before me this July 20, 1904.

Charles D. Sawyer
Notary Public.

(C O P Y)

AFFIDAVIT.

Robert L. Owen having been duly sworn, on his oath says;
I know Owen and Charles Owen well (Roll No. D. 651 Cherokee Rolls)
they are the sons of Alice Owen, native born Cherokee. By an inadvertance Alice Owen has been referred to as having been re-admitted in 1881. She was not re-admitted in fact, never having applied for readmission, but as a copy of the certificate on file in her case shows, she was simply enrolled on my request being entitled thereto as a recognized native born Cherokee. Neither she nor her children come within the scope of the Cherokee act on 1894 requiring re-admitted persons to remove within six months into the Cherokee Nation. Owen Owen had been in my employ in the Cherokee Nation residing in Cooweescoowee District in 1893 and left the Cherokee Nation to enter the service of the United States in the Treasury Department where he was registered as from the Indian Territory. I have regarded myself as the Agent of Alice Owen and her children and have held for them since 1891 cultivated land in the Cherokee Nation and now hold the same for them such land proposing to file an application for allotment to them of such land as soon as their rights of citizenship are determined, holding proper powers of attorney from each and every one of Alice Owen and her children for that purpose.

W. O. Bruton I am informed and believe and therefore assert held a bunch of cattle belonging to Alice Owen and her children in Sequoyah District from 1881 to 1891. His evidence to that effect should be found in the case of Alice Owen. None of these people have forfeited their rights but are entitled to enrollment as Cherokees by blood.

(Signed) Robt. L. Owen

Western Judicial District
Indian Territory.

This day personally appeared before me Robert L. Owen
to me well known, who having been duly sworn, made and subscribed
to the above affidavit in my presence, witness my hand and official
seal, on this the 9th. day of May, 1904.

Chas. Mercer

XXXXXXXXXX
X S L A L X
XXXXXXXXXX

My Commission expires 19 day of Nov. 1907

INDORSEMENTS.

DEPARTMENT OF THE INTERIOR,

RECEIVED.

May 18 1904.

Enc. No. 2 of No. 4030

Indian Territory Division.

Indian Office
32125 1904

Incl. No. 1
Edith L. Morey, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes, she
made the above and foregoing copy and that the same is a true
and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 20th day of July 1904

Charles H. Sawyer
Notary Public.

Cherokee D-480, D-661

D-826, 8600.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WASHINGTON, D. C., JULY 15, 1904.

In the matter of the application of Alice L. Owen, et al.,
for enrollment as citizens by blood of the Cherokee Nation.

O R D E R.

It is ordered that copies of the affidavits of Wilson O. Bruten, dated June 7, 1904, Owen Owen, dated June 10, 1904, and Robert L. Owen, dated July 2, 1904, and copies of the certificate of C. T. Harris, Executive Secretary of the Cherokee Nation, dated June 7, 1904, which said copies are attached hereto, be filed and made a part of the record in the following Cherokee enrollment cases: Cherokee D-480, Robert L. Owen, et al; Cherokee D-661, Charles Owen et al; Cherokee D-826, Alice L. Owen, et al; Cherokee 8600, William O. Owen.



Commissioner.

ROBT. L. OWEN,
Muskogee, Ind. Ter.

June 3rd, 1903.

The Honorable Secretary of the Interior,
Washington, D. C.

Sir:-

I have the honor to request that the case of Alice L. Owen, Jane Owen and Alice Owen, Jr., Cherokee Citizenship, Card D-826, be reconsidered and referred to the Honorable Dawes Commission, for their reconsideration, with instructions to enroll them in accordance with the principles laid down in the decision of the Honorable Secretary of the Interior, in the case of Joseph D. Yeargain (I.T.D. 2900, 1903), and Martha Cobb Clarke^{case} (I.T.D. 1370, 1903).

The evidence in the case of Alice Owen shows that she was born in the Cherokee Nation and raised there, that her mother lived and died in the Cherokee Nation and is buried on the family homestead in Sequoyah District. The evidence shows that Alice Owen has owned the family homestead, that it has been her means of subsistence for 13 years, and that she intended ultimately to return to the Cherokee Nation, as her place of residence; that she never had removed her effects and property from the Cherokee Nation, and that she never had acquired any other nationality or assumed the functions of citizenship elsewhere. Jane Owen and Alice Owen are her daughters, who are similarly situated.

In the Yeargain case the Honorable Secretary of the Interior held as follows:

"There are three elements clearly defined, which must concur to effect forfeiture of nationality or complete expatriation viz: the removal of the person, coupled with removal of all effects and property and acquisition of another nationality, by assuming the obligations of citizenship there."

I have acted as the representative of the applicants in this case, in the Cherokee Nation, have held for years property intended to be allotted to them, and still hold property which is theirs and which I am prepared to have allotted to them, upon their proper enrollment.

The applicants, Alice L. Owen, Jane Owen and Alice Owen have not forfeited their nationality. The three elements which must concur to effect forfeiture of nationality, are not present in the case, and in the light of the decision of the Yeargain and Clark cases, they are plainly entitled to be enrolled, under principles laid down in these decisions.

We respectfully pray therefore, that this case be reconsidered and returned to the Honorable United States Commission to the Five Civilized Tribes, with instructions to enroll the applicants.

With sentiments of the greatest respect, I remain,

(SIGNED) Robt. L. Owen.

D.C.No.18982-1903.
J.P.

W.C.P.
MAF.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD.5349-1903
7594-1902.
5252-1903.

July 9, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department is in receipt of a communication of June 3, 1903, from Robert L. Owen, Muskogee, I. T., requesting that the case of Alice L. Owen et al., applicants for enrollment as citizens of the Cherokee Nation, be remanded to you with instructions to enroll them as such.

It appears that Alice L. Owen was born in the Cherokee Nation and raised there until she was about 16 years of age, when she went to Virginia to attend school. She was married in Virginia and has since lived in that State. The applicants Jane Owen and Alice Owen are children of the said Alice L. Owen. It also appears that the said Alice L. Owen has property in the Cherokee Nation, the rents and profits of which are her only source of income. It also appears that the applicants were duly admitted to citizenship in the Cherokee Nation on July 31, 1881.

On December 16, 1902, the Department decided that your action in rejecting the applicants was correct, inasmuch as said applicants were not residing in the Cherokee Nation or the Indian Territory on June 28, 1898.

-2-

Your decision in the matter, as well as the decision of the Department, was rendered under a different interpretation of Section 21 of the act of June 28, 1898, from that expressed by the Assistant Attorney General on March 16, 1903, relative to the case of Joseph B. Yeargain et al. The Department therefore rescinds its former action in the matter, and the case is hereby remanded in order that it may be readjudicated by you in accordance with the opinion above mentioned.

Mr. Owen's letter and the record in the case are inclosed herewith.

Respectfully,

(SIGNED) Thos. Ryan,

Acting Secretary.

2 inclosures.

Cherokee R-785

Tahlequah, Indian Territory, September 4, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of August 31,
there are enclosed herewith the original card, jacket and record
in Cherokee case R-785, Alice L. Owen et al.

Respectfully,

Clerk in Charge
Cherokee Land Office.

MEH

Enc. M-101

Cherokee D-826
(R-785).

Muskogee, Indian Territory, October 23, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1903, granting the application for the enrollment of Alice L. Owen and rejecting the application for the enrollment of Jane and Alice Owen, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-13

Commissioner in Charge.

Cherokee R-785.

Muskogee, Indian Territory, November 11, 1903.

Alice L. Owen,
Lynchburg, Virginia.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1903, granting your application for the enrollment of yourself, and rejecting your application for the enrollment of your two children, Jane and Alice Owen, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, Robert L. Owen, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. B. Davis

Chairman.

Enc. H-5.

Register.

Cherokee R-785.

Muskogee, Indian Territory, November 11, 1903.

Robert L. Owen,

Attorney for Alice L. Owen, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1903, granting the application of Alice L. Owen for the enrollment of herself, and rejecting her application for the enrollment of her two children, Jane and Alice Owen, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James D. Dabney.

Chairman.

Enc. H-6.

Register.

Cherokee R-785.

Muskogee, Indian Territory, November 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 9, 1903, (I.T.D. 7594-1902, 5349, 5252-1903), there is herewith transmitted the record of proceedings had in the matter of the application of Alice L. Owen for the enrollment of herself and her two children, Jane and Alice Owen, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated October 22, 1903, granting her application for the enrollment of herself, and rejecting her application for the enrollment of her two children.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

Enc. H-7.

Cherokee D-826.
(R-785)

Muskogee, Indian Territory, November 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

In the matter of the application for the enrollment of Alice L. Owen, et al., as citizens by blood of the Cherokee Nation, D-826 (R-785), the Commission's decision in which case was transmitted to the Department on November 11, 1903, there is herewith transmitted the protest of the Cherokee Nation against said decision, same having been received by the Commission after the expiration of the fifteen days allowed for protest.

Respectfully,

J
Chairman.

Through the

Commissioner of Indian Affairs.

Enc. V-7.

never in reply
to the following:

(C O P Y)

Land.
74028-1903
75371-1903
20572-1904
24878-1904
23983-1904

Department of the Interior.

Office of Indian Affairs,

Washington,

May 5, 1904

(Copy)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of July 9, 1903, I.T.D.
7594-1902, 5349, 5252/1903, there is enclosed herewith a report
from the Commission to the Five Civilized Tribes dated November 11,
1903, transmitting the record relative to the application of Alice
L. Owen for the enrollment of herself and two children, Jane and
Alice Owen, as citizens by blood of the Cherokee Nation.

There is also enclosed a report from the Commission
dated November 16, 1903, transmitting the protest of the Cherokee
Nation against the Commission's decision of October 22, 1903, where-
in Commissioners Bixby, Needles and Stanley held that Alice L. Owen
was entitled to enrollment, and that Jane Owen and Alice Owen were
not entitled to enrollment. Commissioner Breckenridge dissented
and holds that under the decision of the Department in the Yeargain
case, all of the applicants are entitled to enrollment.

November 12, 1902, the Commission held that the
applicants were not entitled to enrollment as citizens of the Chero-
kee nation. This decision was approved by the Department December
16, 1902. June 3, 1903, Robert L. Owen requested that this case be

(2)

remanded to the Commission with instructions to enroll the applicants. July 19, 1903, the Department rescinded decision of December 16, 1902, remanded the record to the Commission and directed that the case be readjudicated in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the matter of the enrollment of Joseph B. Yeargain, et al.

The record in this case shows that all of the applicants herein were admitted to citizenship in the Cherokee Nation January 31, 1881. The act of admission is as follows:

Office Commission on Citizenship,

Tahlequah, C.N., January 26th 1881

Alice Owen and children, Robert Otway Owen, Jane Owen,
William Owen, Charles Owen, Owen Owen, Alice Owen

versus

Petition for Citizenship.

Cherokee Nation.

The above case submitted by both parties Jany 27th, 1881. The above parties claim to be Cherokees by blood. Testimony shows that Alice Owen is a native born Cherokee and descendant of the noted Chisholm family and was educated and partly raised in Virginia; married there and is the mother of the children mentioned in the petition, to-wit: Robert Otway Owen, Jane Owen, William Owen, Charles Owen, Owen Owen, and Alice Owen. The Commission, therefore, feels justified in making the decision in favor of the above named claimants, admitting them to all the rights and privileges of Cherokee citizenship by blood.

January 31, 1881.

The record also shows that Alice L. Owen was born in the Cherokee Nation and resided there until about 1860, since which time she has resided in the State of Virginia. She was fifty-six years of age in 1900, consequently she was born in 1844. August 14, 1902, she testified that she was born in the Cherokee Nation at or near Old Fort Wayne; that she resided there until she was nearly sixteen years of age, when she went to Virginia to attend school and that she was married in that state.

From the testimony it seems that Jane and Alice Owen were thirty-five and twenty-one years of age respectively at the date of their original applications. The testimony is not clear as to where Alice Owen was born. In the field decision, apparently rendered in November, 1900, Commissioner Breckenridge found that she was born in the Cherokee Nation. Jane Owen appears to have been born in the State of Virginia. All of the applicants are identified by the 1894 strip payment roll.

Alice L. Owen has not resided in the Cherokee Nation since she was sixteen years of age. The evidence shows that she has made visits to the Nation frequently; that is has been her wish to return to the Nation but that she has been unable to do so. She has maintained control and possession of property and effects in the Nation and from the testimony it appears that her principal source of income since the death of her husband has been the rentals and profits received from the farm, of which she has had control since the death of her mother.

April 8, 1904, Robert L. Owen addressed a letter to this office in which he says--

"I enclose some data bearing on the citizenship of Alice Owen and her children. Please have put with proper files and oblige."

The paper transmitted by Mr. Owen is as follows:--

Clerks Office)
Sequoyah District. C.N.

Salisaw, I.T.
December 19th, 1889.

Wm. Owen, Muscogee, I.T.
Dear Sir:

I hereby certify that your mark and brand is registered in your familys names as follows, to-wit:- Alice Owen,

Robert Otway Owen, Wm. Owen, Chas. Owen, Jane Owen, Owen Owen, and Alice L. Owen. The brand is (OO) two circles on left side mark crop and split on left ear and swallow falk in right, range one mile 1/2 from Muldrow, Sequoyah District, C.N.

Recorded in A. Book of Records of marks and brands in this office on Page 100, on this day and date above mentioned.

J. H. Adair

Clerk of Sequoyah District, C.N.

(Seal) P. S. My fee is One Dollar & 50/100

J. H. A.

I hereby certify that the above is a true and correct copy of a certificate shown me this day.
In witness whereof I hereunto set my hand and official seal this the 27th day of November 1903.

J. H. Scott, Notary Public.

(Seal) My commission expires 11/7/1906.

He also at the same time transmitted a communication from the principal applicant. In this communication it is stated that Alice Owen, Jr., was born June 17, 1878, but the place of her birth is not given. March 25, 1904, Robert L. Owen filed the affidavit of Owen Owen, son of Alice L. Owen, in which he states:

In my 20th year I went to the Cherokee nation, and established residence in Coo-wee-scoo-wee district in the employ of Robert L. Owen.

I left the Cherokee Nation in 1894, in the service of the United States, in the Treasury Department, and afterwards served the Government at various places, New York, Washington, Boston Philadelphia, having gone on a trip to Central America at Costa Rica, representing the United States there in a counterfeiting case. I brought back from that trip nearly \$500,000. of counterfeit money.

I claim the right of political domicile in the Cherokee Nation.

Robert L. Owen has been my agent, in relation to my right to an allotment in the Cherokee Nation, and I still so recognize him.

My father died 15th of February, 1892. His name was William Otway Owen, of Lynchburg, Va.

My mother was Alice L. Owen, the daughter of Jane Bruton, of Sequoyah district. Her children were Robert Otway Owen, Jane Owen, William Owen, Charles Owen, Owen Owen and Alice

Owen. They were made orphans by the death of my father, 15th of February 1902.

My mother was born in the Cherokee Nation and belonged to the old settlers or Western Cherokees. Her mother, Jane Bruton was never out of the Territory and is buried there.

Her grandfather, Thomas Chisholm, an old settler Cherokee, one of the Chiefs of the Cherokee Nation at his death, is buried in the Cherokee Nation at the old family homestead, on Beatties Prairie.

April 12, 1904, Mr. Robert L. Owen filed a brief and argument in the case. He takes the position, briefly stated, that the evidence does not show that Alice L. Owen lost her citizenship by removal from the Cherokee Nation with her effects, but says that there is an implied argument that because she was recognized by the Cherokee authorities in 1881, she had forfeited her citizenship in the Nation. He says that this is untrue and that the applicants do not admit the implication, and that they did not resort to the only method provided by the constitution of the Cherokee Nation for readmission of persons who had forfeited their rights by memorizing the council for such readmission.

He invites attention to Section 5 of the amendments to Article 3 of the Cherokee Constitution, which indicates the different classes of persons considered at that time to be citizens of the Nation, and says that the mother of Alice L. Owen was, at the time this amendment was adopted, a native citizen of the Cherokee Nation, as was Alice L. Owen, and they both were residing within the limits of the Nation.

From Mr. Owens brief it appears that without the knowledge or consent of these applicants, he applied to the Citizenship Commissioners in 1880 for their enrollment, and that on January 31, 1881,

said Commissioners declared that the applicants herein and others mentioned in the petition, were by reason of their Cherokee blood, entitled to "all the rights of privileges of Cherokee Citizenship." There does not seem to be any question but that these applicants are of Cherokee blood and that they are entitled to enrollment, unless they have expatriated their citizenship.

Alice L. Owen was born in the Cherokee Nation and she inherited from her mother a farm in that Nation. She has retained control and possession of the same all these years. Jane Owen removed to the Cherokee nation in 1884, resided there for about two years and taught in the Cherokee schools.

In the Yeargain case the Assistant Attorney General said--

"There are three elements clearly defined which must con-
occur to effect forfeiture of nationality or complete expa-
triation, viz: The removal of the person, coupled with re-
moval of all effects and property and acquisition of another
nationality by assuming the obligations of citizenship there.

There is nothing in the record which shows that Alice L. Owen has become a citizen of any other jurisdiction and the record conclusively shows that since about 1890 she has had absolute control of a farm in the Cherokee Nation. In view of the record and considering the decision of the Department in the Yeargain case, the office is of the opinion that all of the applicants are entitled to enrollment as citizens by blood of the Cherokee Nation, and it therefore respectfully recommends that the decision of Commissioner Breckenridge be approved.

Very respectfully,

A. C. Tonner,
Acting Commissioner

GA W-H

D.C. 16494-1904.
I.T.D. 3742-1904.
L R S

W.C.F.
J.P.
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

May 14, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On November 11, 1903, you resubmitted the record in the matter of the application of Alice L. Owen for the enrollment of herself and her two children, Jane and Alice Owen, as citizens by blood of the Cherokee Nation, including your decision of October 22, 1903, granting the application for the enrollment of Alice L. Owen, and ~~rejecting the application for the enrollment of her~~ two children, Commissioner Breckinridge dissenting from the opinion of the majority of your Commission, and holding that all the applicants are entitled to enrollment.

Reporting May 5, 1904, the Acting Commissioner of Indian Affairs states that in his opinion all of the applicants are entitled to enrollment as citizens by blood of the Cherokee Nation, and recommends that the decision of Commissioner Breckinridge be approved. A copy of his letter is inclosed.

You are directed to notify the applicants and the attorney for the Cherokee Nation of the recommendation of the Acting Commissioner, and allow said attorney thirty days within which to present any argument he may desire, and the applicants ten days within which to answer same.

--2--

There are also inclosed certain papers filed by the attorney for the applicants in the case, which papers do not show service upon the attorney for the Cherokee Nation, in order that they may be inspected by said attorney, and to be returned.

Respectfully,

6 inclosures

(Signed) Thos Ryan
Acting Secretary.

No. Ind. of letter enc.

R.H.

Cherokee R-785.

Muskogee, Indian Territory, May 25, 1904.

Robert L. Owen,

Attorney for Alice L. Owen et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Alice L. Owen et al., you are advised that in accordance with Departmental letter of May 14, addressed to the Commission, the attorney for the Cherokee Nation has been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary, any argument that he may desire, a copy of which he will be required to furnish the applicant. The applicant has been advised that she will be allowed ten days additional in which to file with the Commission, for transmission to the Secretary, a reply thereto.

There are herewith enclosed certain documents heretofore filed with the Department in this case, and returned by the Department for the reason that they do not bear evidence of service upon the attorney for the Cherokee Nation. You are requested to secure service upon the nation and returned these documents to the Commis-

-2-

sion, in order that they may be again forwarded to the Department.

Respectfully,

Enc. D-32.

Chairman.

Cherokee R-785.

Muskogee, Indian Territory, May 26, 1904.

Alice L. Owen,
Lynchburg, Virginia.

Dear Madam:

In the matter of your application for the enrollment of yourself and two children, Jane and Alice Owen, as citizens by blood of the Cherokee Nation, the Commission is in receipt of Departmental letter of May 14, in which it is stated that the Commissioner of Indian Affairs recommends the enrollment of yourself and children.

In accordance with the instructions contained in the Department's letter, you are advised that the attorney for the Cherokee Nation has this day been notified that he will be allowed thirty days from date hereof within which to file any argument he may desire, a copy of which he will be required to furnish you. You are further advised that you will be allowed ten days additional within which to file with the Commission for transmission to the Secretary, a reply to said argument.

Respectfully,

Chairman.

Cherokee R-785.

Muskogee, Indian Territory, May 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Alice L. Owen et al., as citizens by blood of the Cherokee Nation, the Commission is in receipt of Departmental letter of May 14, requesting that you be advised that the Commissioner of Indian Affairs recommends the enrollment of the persons included in this case.

In accordance with further instructions contained in the Department's letter, you are advised that you will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary, any argument you may desire, a copy of which you will be required to furnish the applicant, Alice L. Owen.

Respectfully,

Chairman.

Robt. L. Owen,

Muskogee, Ind. Ter.

July 2nd, 1904.

Honorable C.R. Breckinridge,

United States Commission to Five Tribes,

Tahlequah, Indian Territory.

Sir:-

I enclose the affidavits of W.O. Braten and two certificates of C.J. Harris, Executive Secretary, also the affidavits of Owen Owen, Robert L. Owen as to the cases of Alice Owen, Robert Otway Owen, William Owen, Charles Owen, Jane Owen, Owen Owen and Alice Owen, Jr.

By this mail I send copies of the same to Mr. W.W. Hastings, by registered mail. I enclose you the receipt and have requested him to acknowledge receipt to you for the files.

Yours respectfully,

(Signed) Robt. L. Owen

Indian Territory)
Western District.)

Subscribed and sworn to before me by Robert L. Owen,
at Muskogee, I.T. on this the 2nd day of July, 1904.

WITNESS my hand and seal on this the day and date last
above written.

(SEAL)

(Signed) Jas. K. Scott
Notary Public.

My Commission Expires 11/7-1906.

Edith L. Morrey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and correct copy of the original transcript.

Edith L. Morrey

Subscribed and sworn to before me this the 20th day of July, 1904.

Charles W. Sawyer

Notary Public.

Cherokee R-785.

Muskogee, Indian Territory, July 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of May 14, (I. T. L. 3742-1904), in the enrollment case of Alice L. Owen, et al., wherein the Commission was instructed to allow the parties concerned to file argument, the Commission desires to report that on May 26, the applicants their attorneys and the attorney for the Cherokee Nation were advised of the Department's instructions and that no argument has been filed with the Commission by either of the said parties.

There are herewith transmitted affidavits of Robert L. Owen, Owen Owen and Wilson O. Bruton, and two certificates dated June 7, 1904, signed by C. J. Harris, Executive Secretary of the Cherokee Nation, which the applicants desire to have considered in the case of Alice L. Owen. These documents bear proof of service upon the attorney for the Nation.

Respectfully,

Encl. S-67.

Commissioner in Charge.

W.C.F.
FHE
J.P.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
D.C. 37895-1904
I.T.D. 6212-1904. WASHINGTON.

October 3, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 11, 1903, you transmitted the record in the matter of the application of Alice L. Owen for the enrollment of herself and her two children, Jane and Alice Owen, as citizens by blood of the Cherokee nation.

On November 12, 1902, you decided that the applicants in said case were not entitled to enrollment, which decision was approved by the Department on December 16, 1902.

On July 9, 1903, the Department rescinded its former action in the matter, and remanded the case to you to be readjudicated in accordance with the opinion of the Assistant Attorney General of March 16, 1903, relative to the case of Joseph D. Yeargain, et al.,

October 22, 1903, you decided that in accordance with the opinion above mentioned, the applicant, Alice L. Owen was entitled to enrollment, and that the application for the enrollment of Jane Owen and Alice Owen should be denied. Commissioner Breckenridge dissented from the decision of the majority of your Commission and held that under the case of Joseph D. Yeargain et al. all of the applicants should be enrolled.

Reporting May 5, 1904, the Acting Commissioner of Indian Affairs recommended that the decision of Commissioner Breckinridge be approved.

May 14, 1904, you were directed to notify the applicants and the attorney for the Cherokee Nation to the recommendation of the Acting Commissioner, and to allow said applicants and attorney further time in which to submit any argument they might desire.

With your letter of July 21, 1904, you transmitted certain papers submitted by Robert L. Owen, to be considered in connection with the case, and stated that no argument had been filed with your Commission by the applicants or the attorney for the Cherokee Nation. It appears that Alice L. Owen was 56 years of age at the date of this application; that she was born in the Cherokee Nation and resided there until she was about sixteen years of age, when she went to Virginia to attend school. She was married in Virginia.

The applicants, Jane Owen and Alice Owen are children of the said Alice L. Owen, and were 35 and 21 years of age, respectively, at the date of the application herein.

It appears that the applicants were admitted to citizenship in the Cherokee Nation by the Commission on Citizenship, on July 31, 1881, and that all the applicants are identified on the Cherokee strip payment roll of 1894. It also appears that since 1890 the said Alice L. Owen has maintained control and possession of property and effects in the Cherokee Nation, the rents

and profits of which were her principal source of income. It appears that Alice L. Owen has not lived in the Cherokee Nation since she was sixteen years of age, but that she has made frequent visits to said nation. It also appears that the applicants Jane Owen and Alice Owen were born in the state of Virginia; that they have never owned any property in the Cherokee Nation, nor have they ever resided in the Cherokee Nation. The record shows that Jane Owen taught school for a short time in the Cherokee Nation about 1883 or 1884, but it does not appear that she established a permanent residence therein.

It does not appear that Alice L. Owen removed to and permanently located in the Cherokee Nation in compliance with the provisions of the Act of the Cherokee Council of December 4, 1894. She is therefore not entitled to enrollment.

The applicant Jane Owen was 29 years of age in 1894. She has never possessed any property in the Cherokee Nation. She did not return to said nation in accordance with the provisions of the Act of the Cherokee Council of December 4, 1894. She is therefore not entitled to enrollment.

The applicant, Alice Owen was 21 years of age at the date of the application herein. She has never owned any property in the Cherokee Nation, nor has she returned thereto and in good faith settled in said nation. She is therefore not entitled to enrollment, under section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495).

-4-

For the reasons above set forth, the Department does not concur in the Acting Commissioner's recommendation and your decision denying the application for the enrollment of Jane and Alice Owen is affirmed. Your decision so far as it affects Alice L. Owen is reversed, and you are directed not to enroll any of the applicants as citizens of the Cherokee Nation.

Respectfully,

(Signed) ~~Thomas Ryan~~
Acting Secretary

COPY.

Cherokee R-785.

Muskogee, Indian Territory, November 22, 1904.

Alice L. Owen,
Lynchburg, Virginia.

Dear Madam:

You are hereby advised that the Commission's decision dated October 22, 1903, granting the application for your enrollment and rejecting the application for the enrollment of your two children, Jane and Alice Owen, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 3, 1904, as to the enrollment of your said children and reversed in so far as it effected the enrollment of yourself.

Respectfully,

SIGNED. *John Bixby.*
Chairman.

COPY.

Cherokee R-785.

Muskogee, Indian Territory, November 22, 1904.

Robert L. Owen,

Attorney for Alice L. Owen, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated October 22, 1903, granting the application for the enrollment of Alice L. Owen and rejecting the application for the enrollment of Jane and Alice Owen as citizens by blood of the Cherokee Nation, was reversed as to the said Alice L. Owen and affirmed as to the said Jane and Alice Owen, by the Secretary of the Interior on October 3, 1904.

For your information there is herewith inclosed a copy of the departmental letter in this case.

Respectfully,

Incl. S-62.

(SIGNED).

Tams Bixby.
Chairman.

COPY

Cherokee R-785.

Muskogee, Indian Territory, November 22, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated October 22, 1903, granting the application for the enrollment of Alice L. Owen and denying the application for the enrollment of Jane and Alice Owen as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior as to the said Alice L. Owen and affirmed as to the said Jane and Alice Owen, on October 3, 1904.

Respectfully,

(SIGNED). *Tame Bixby.*

Chairman.

-COPY-

I. T. D.
3642,6112.
1904.

J. R. W.
J. R. W.
W. C. P.
S. V. P.

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,
Washington, D. C., June 15, 1905

The Secretary of the Interior.

Sir:

I received by reference of June 1, 1905, with request for opinion thereon, the record in the case of Alice L. Owen for enrollment of herself and children, Jane and Alice, as citizens of the Cherokee Nation.

October 22, 1903 (passing earlier proceedings not here material), the Dawes Commission made reference to the provision of the act of June 28, 1898 (30 Stat., 495, 503), prohibiting enrollment of persons who had not theretofore "removed to and in good faith settled in the nation in which he claims citizenship," denied enrollment of the daughters Jane and Alice and enrolled the mother, Alice L. Owen. One member dissented, as to rejection of the daughters, holding that under the rule in Joseph D. Yeargain (I. T. D. 2900, 1903,) all the applicants should be enrolled. May 15, 1904, the Indian Office concurred in the dissenting opinion and recommended the enrollment of all the applicants. October 3, 1904, the Department denied enrollment of all the applicants, Alice L., and Jane, under the Cherokee act of December 4, 1894, requiring persons theretofore admitted to

establish residence in the nation within six months, and Alice under the above provision of the act of June 28, 1898.

In support of applicant's right there was filed with the Dawes Commission a copy of the decree of the Cherokee Commission on Citizenship, in a proceeding entitled "Alice Owen and children (these applicants and others) versus Cherokee Nation," viz:

The above case submitted by both parties Jan'y 27th, 1881. The above parties claim to be Cherokee by blood.

Testimony shows that Alice Owen is a native born Cherokee and descendant of the noted Chisholm family and was educated and partly raised in Virginia; married there and is the mother of the children mentioned in the petition, to wit: Robert Otway Owen, Jane Owen, William Owen, Owen Owen, and Alice Owen. The Commission, therefore, feels justified in making the decision in favor of the above named claimants, admitting them to all the rights and privileges of Cherokee citizenship by blood.

January 31, 1881.

Roach Young, President of the Com.

William Harnage,

J. B. Mayes,
Clerk Commission.

G. W. Mayes, Assistant Commissioners

The reference states that:

The Department desires to be advised as to whether the decree of the Commission on Citizenship, dated January 31, 1881, (above) was an admission or readmission in the sense of conferring or restoring citizenship.

I understand admission to citizenship in the Cherokee Nation to be the grant or recognition of citizenship rights extended to one never theretofore having been recognized as having good claims to such rights, and readmission the grant, recognition or restoration of such rights to one who before time had such right, but lost it. This is the natural import of the prefix re in such words, having the signification of "again," a second, or another act, and in this word meaning a second or another grant, vestiture or recognition of citizenship rights, as restoration to rights lost. In the present case, as Alice L. Owen was born to Cherokee allegiance, it was a readmission or restoration to rights of citizenship supposed to be lost. But as to Jane, born in Virginia, to a father citizen of the United States, she having never before the decree been resident in and recognized as a Cherokee citizen, it was an admission simply.

It is proper also here to observe, lest I be misapprehended, that I see no ground for distinction between a person "admitted" and one "readmitted" to citizenship so far as regards the operation and effect of that clause of section 2, Article 1,

of the Cherokee Constitution, defining how citizenship in the nation is lost, or yet of the act of December 4, 1894, requiring actual settlement in the nation within six months by persons "readmitted" to citizenship. By admission or readmission alike a non-citizen is simply made a citizen. No reason appears why one class should be favored above another as to taking up residence. The object of the act of 1894 was to require actual and personal return to the nation of those upon whom citizenship had been conferred not resident in it at or after such recognition.

After departmental decision of October 3, 1904, denying enrollment of the applicants, there was filed, January 5, 1905, a motion for review contending that the Cherokee act of December 4, 1904, is inapplicable, and that the provision in the act of June 28, 1898, above-mentioned, is no bar to enrollment of Alice Owen. The original record, with additional evidence, the motion and briefs of counsel for applicants are transmitted with request for my opinion thereon, and counsel for the applicants has been heard orally. No brief is filed on part of the nation.

The record shows that the principal applicant went from the nation to school in Virginia in 1860, aged about sixteen, married there in 1864 to a white man, and afterward resided there. There is no evidence tending to show that she held any property or effects in the nation prior to her mother's death in 1889 or 1890. The marriage presumes a legal domicile with her husband in Virginia to his death in 1892, and no evidence indicates that she

ever had any definite intent to reunite with the nation, and she did no act indicative of such intent. It is the necessary conclusion that there has been ever since her marriage a removal of herself -- a change of legal domicile -- from the nation in 1864, and until her mother's death she had no effects in the nation. There existed therefore two of the elements effecting expatriation of a Cherokee citizen, both before and after her admission by the citizenship court. Did she become a citizen of another nation, or is it necessary that she should in order to lose her Cherokee citizenship?

Section 1994, Revised Statutes of the United States, provides that:

Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

It may be objected that Mrs. Owen, being a tribal Indian in 1864, could not become a naturalized citizen of the United States (Elk v. Wilkins, 112 U. S., 94), and therefore did not become one by her marriage to a citizen, and the operation of section 1994. Considering the practice of the Cherokee Nation and the object of this provision, and the fact that the constitution was adopted long prior to the decision in Elk v. Wilkins, supra, March 25, 1905, in case of Clara A. Ward (I. T. D. 5878-1904), I expressed the opinion that on a proper construction of the constitutional provisions: --

Withdrawal of the person and effects of a citizen from the nation and identification with another and alien community workd loss of citizenship, whether actual citizenship is elsewhere acquired or not.

The same rule was followed in other similar cases. Whether she obtained citizenship of the United States and State of Virginia, or not, Mrs. Owen by her marriage assumed the position of a matron in a nationality alien to the Cherokee Nation, and devoted her life and energies to the building and developing of a State alien to the Cherokee Nation. Within the spirit and purpose of the Cherokee Constitution she alienated herself from the nation. This continued after her restoration by the Citizenship Court, at least to the time of her inheritance of property from her mother. It follows that she lost both the citizenship of her birth and that restored to her by the Citizenship Court.

The same reasoning on somewhat different facts applies to Jane Owen, who though of some Cherokee blood was born to the allegiance of her father, a Vifginian. Against her, of full age in 1881, unless she took up actual residence in good faith within the Cherokee Nation, the act of December 4, 1894, and act of June 28, 1898 (30 Stat., 503), operated as a bar.

Alice Owen, as stated in the evidence, November, 1900, was then twenty-one years of age. She was therefore a minor when admitted to citizenship by the court, January 31, 1881, and at the passage of the act of December 4, 1894. By the terms of that act it

-7-

was inoperative against minors. Had she established residence in the nation before June 28, 1898, she would have been entitled to enrollment, but failing in that is barred by the act of that date (30 Stat., U. S., 503).

I am therefore of opinion that the motion should be denied and the Departmental decision adhered to.

Very respectfully,

(Signed) Frank L. Campbell,

Assistant Attorney-General.

Approved: June 15, 1905.

(Signed) E. A. Hitchcock,

Secretary.

(COPY) (COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
48018-1905
13141-1906.

February 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of February 8, 1906,
I.T.D. 1363 the record relative to the application of Alice
L. Owen et al, for enrollment as citizens of the Cherokee
Nation, is transmitted,

Very respectfully,

D. F. Larrabee,

Acting Commissioner.

GAW-GH

18 Enclosures.

COPY.

J.R.W.
S.V.P.
W.C.P.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
WASHINGTON.

I.T.D.
2834-1906.

June 15, 1906.

The Secretary of the Interior.

Sir:

I received by reference of February 23, 1906, the request by counsel for Alice L. Owen for reconsideration of my opinion of June 15, 1905, in her application for enrollment of herself and her daughters, Jane and Alice, as citizens by blood of the Cherokee Nation. The original record was considered therewith, and counsel for both parties have been orally heard. Counsel for applicant requests answers to specific questions, viz:

1. Did the birth of Alice Owen in the Cherokee Nation and her residence there sixteen years establish "permanent residence" as of that date?

2. Did she acquire by birth and such residence the communal right of a Cherokee citizen?

3. May not a Cherokee having such right go where he pleases and stay as long as he pleases provided he retains property in the Nation and does not transfer his allegiance to another government?

4. Does not the child of a Cherokee mother follow the condition and status of its mother under the Indian law of the Cherokee tribe and acquire by its birth a communal right under the communal law?

5. Could Alice Owen lose her citizenship except in the manner prescribed by the Cherokee constitution as set forth

in the opinion of the Attorney General in the Yeagrain case?

6. Does not the evidence show that she retained property in the Cherokee Nation for the express purpose of retaining her citizenship in said Nation and by such act continued to express her allegiance to the Cherokee Nation through all these years of her separation by residence therefrom? (Testimony W. O. Bruton, Alice Owen, William Owen, etc.)

7. Did the act of the Cherokee National Council approved November 26, 1879, under which the Roach Young Commission acted in admitting Alice Owen to the Cherokee citizenship rolls, authorize said Commission either to admit or to readmit persons who had confessedly lost their right to Cherokee citizenship or only those who had the right to enrollment as persons who had not lost the right of citizenship?

8. Had the Cherokee National Council the right under the constitution to delegate to a Commission the power vested exclusively in the Council to readmit in the manner prescribed by the constitution persons who had confessedly lost their right of citizenship?

9. Does the evidence show that Alice Owen confessed the loss of her citizenship either in 1861 or at any other time?

10. While the term "admit" may be synonymous with the term "readmit" in granting the right to a citizenship confessedly lost, may not the term "admit" also have the meaning of granting the enrollment to citizens who have not lost the right of citizenship?

11. Since Alice Owen and her children were recognized as Cherokees by blood for twenty-three years, from 1861 to October 3, 1904, the date of the adverse opinion of the Department, and indeed have claimed citizenship in the Nation as a right all their lives, is not the burden of proof on the Cherokee Nation which now seeks to strike them from the rolls and are not the defendants entitled to have all presumptions construed in their favor and not adversely to them?

12. If Alice Owen did not forfeit her citizenship prior to 1861, and did not receive a grant of new citizenship in 1894, but merely a recognition of unbroken citizenship, does the act or can the act of 1894 apply to her?

13. Even if Alice Owen be held to have forfeited her citizenship prior to 1861, when she was admitted and recognized

as having "all the rights and privileges of Cherokee citizenship by blood," as the Roach Young decree declares, a decree made final by the act of November 26, 1879, has the council the legal right thereafter to impose conditions of forfeiture of citizenship not recognized by the Constitution?

14. Is not the act of December 4, 1894, void in declaring defeasance of "indefeasible" property held under constitutional guarantees, and did not the Supreme Court in the Journeyake and Blackfeather cases (155 U.S. 218) declare that the Cherokee Nation could not by act of council deprive citizens of their communal right?

15. Can the Department of the Interior properly expunge the names of Alice Owen and her children from the Cherokee roll under authority of the act of December 4, 1894, of the Moribund Nation (the obvious purpose of which was to deprive some citizens of their communal interest for the benefit of other citizens) in view of the Act of Congress of February 8, 1887, amended March 3, 1901, which permitted Indians to reside separate and apart from the tribe to have citizenship of the United States without in any wise impairing their right to tribal property?

16. In any event, are not Alice Owen's children who establish permanent residence in the Cherokee Nation prior to June 28, 1898, entitled to enrolment under section 21 of the Curtis Act directing the Commission to enroll--

"All persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted?"

17. Does not section 21 of said act directing the Commission "to investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law," preclude the Commission from placing Alice L. Owen or her children in the category of persons who may be omitted by said Commission?

18. Does not the evidence in this case show that Alice Owen has retained property in the Cherokee Nation all her life, and thus shown her purpose to retain her citizenship in the Cherokee Nation and not to relinquish her allegiance thereto?

18. As a matter of law, could the Cherokee National Council, by the Act of December 4, 1894, or by any other act, strike from the Cherokee rolls a native born Cherokee, born in the Nation in 1844, and who had not forfeited her citizenship in the only manner prescribed by the Constitution itself?

1. Alice L. Owen's birth and residence for sixteen years in the Cherokee Nation established and constituted during that time, to about 1860, permanent residence in the Cherokee Nation. 2. She did acquire by birth, and, so long as she remained one of the community, held the communal right of property of a Cherokee citizen. 3. Yes, but the Cherokee Nation, being an autonomous state, had power, subject only to control of the Congress of the United States, to fix rules respecting residence of its citizens without its territorial jurisdiction, and defining the manner of citizenship in the nation. The transfer of "allegiance to another government" is, however, to be construed as understood by the Cherokees, independently of the later decision in Elk v. Wilkins (112 U. S., (4)). In light of the practice and legislation of the Cherokees it meant a permanent settlement, or domicile in and identification with the social and business activities of another people, rather than an actual transfer of allegiance to another government, else no such thing as readmission to Cherokee citizenship could ever occur, and the legislative and judicial action of the Cherokee Nation as to readmission of former citizens was mere empty form. In light of the Cherokee practice and requisite of readmission after absence of person

and effects, it is evident that actual transfer of allegiance to the United States (which Wk y. Wilkins decides that the member of an Indian tribe can not do) was not intended. My opinions in Clara A. Ward (March 25, 1905), and herein (June 15, 1905), are here referred to and adhered to.

4. Not necessarily. Such was the ancient Cherokee law in common with most, if not all, of the Indian tribes. In more recent times evolution of the Cherokee law appears to give equal merit to blood of the male parent as to the female parent, and also to require birth in the nation or to a parent in Cherokee allegiance for a child of Cherokee blood to "acquire by its birth a communal right under the communal law."

5. No. But her case, except as to birth to Cherokee allegiance, is totally unlike Yeargain's. Yeargain maintained his Cherokee social, business, and political identity of interests. He had in the nation his improved land, stock, merchandise establishment, voted at its elections, was elected to and sat in its senate, and my opinion therein is irrelevant to the totally different facts herein.

6. The evidence upon Alice L. Owen's holding and retention of property in the Cherokee Nation is the following:

Wilson O. Bruton. I have had charge of her property since her readmission (January 26, 1881,) to Cherokee citizenship by the National Council of the Cherokee Nation. For several years her property consisted solely of personal property. In the year 1890, or 1889, my mother died; in 1890 my father died. The estate was divided and the old homestead place became hers.

I have had charge of that property ever since. I pay her every year the rents off of it.

Cross-examination: This (ancestral) homestead was divided and her share set apart. There was two or three farms and we divided the personal property, and everything was divided. Neither I nor my other sister have any interest in the homestead.

Alice L. Owen. August 14, 1902. (Reduced to narrative.) I have property, my home and some cattle, in Sequoyah District, Cherokee Nation, acquired through my mother, she lived there. I have received rents from that place ever since my mother's death about twelve years ago (1890).

Alice L. Owen. January 31, 1906. Before my mother's death (1890) I had property in the Cherokee Nation. My grandmother, when I was a child, gave me several head of cattle, and I held those. I never disposed of it. Then, after the Civil war closed, my mother, my stepfather, my (half) brother (W. O. Bruton), and my (half) sister (Mrs. J. W. Breedlove), each gave me a cow and a calf, as they said to hold my rights in the Territory, then I was living in Virginia. By the expression "To hold my rights in the Territory" I mean my citizenship.

Cross-examination: My grandmother took care of the cattle she gave me until the beginning of the civil war, when they all had to leave their homes and everything passed away, so far as I know. After that I never had any such cattle or personal property there so far as I know, and had no knowledge of these cattle or proceeds from them after that. Some of my relatives gave me some cattle in 1867 or 1868, the first time I went west after the war. As long as my mother lived she and her husband kept them. Since they have both died. When she died her estate was divided. The home in which she lived came to me. The cattle given to me by relatives immediately after the war my brother and sister looked after in the sort of a certain division, but they have not been kept together as a bunch of cattle. They went in with other cattle. I never derived any benefits from them, and don't know what became of them. The farm was rented after mother's death about 1890. My brother (W. O. Bruton), who lives out there, always manages the farm and looks after the rentals. The rents from my part of my mother's farm has been collected and sent me every year. Whether I own it now is an open question. I sold the improvements on the farm within the last eighteen months.

Redirect: I remember about Robert L. Owen acquiring a farm for me in Cooweescoowsee district. He never made me any remittances from it, but remitted me lots of money for love and affection. Re-cross: I don't know what year he purchased it,

I had nothing to do with it, he purchased it for me and it was call the Alice Owen farm.

The claims of holding property are divisible into three periods: 1. Prior to the war, all of which was dissipated during the war and no part ever recovered. 2. Cattle given by relatives in 1867 or 1868, as it is said to enable her to hold citizenship rights in the nation. Of these cattle she never had possession or exercised dominion, from them she never received any benefits, and does not know what became of them. This is her own statement and no other evidence is offered. I am of opinion that this was no holding of property within the meaning of the Cherokee Constitution to prevent expatriation of the absentee. There was no dominion, no benefit, no change of the donor's possession, control, and beneficial use. Had she, for instance, sought by replevin to recover the specific property she must have failed for want of identification, and had she sued for conversion she must have failed for want of any completion of the gift by delivery. There remains only: 3. The inheritance from her mother in 1890 of the homestead. That was land, and governed by the law of communal ownership. Membership in the community is essential to the holding of right in communal property. Title to it is not capable of descent to heirs, or of sale. Membership in the community is the essential prerequisite to the taking of possessory right to it. As she was not a member of the

community, she could take no right in it.

But, irrespective of whatever property she may have acquired in 1889 or 1890 by inheritance from her mother, Alice T. Owen had then for about thirty years been permanently domiciled without the nation, as matron and resident in Virginia, and a member of that society, without any effects in the Cherokee Nation and under its Constitution lost all rights therein.

7. The act of November 26, 1877, gave the Roach Young Commission thereunder organized (Sec. 24, p. 329, Cherokee Laws, Ed. 1880,) --

complete jurisdiction over all cases arising under the constitution and laws of the Cherokee Nation, involving the right of citizenship of said nation, as hereinafter specified
5th. Of all cases of claimants petitioning for citizenship not embraced in the foregoing classification of claimants.

This clearly covered every case conceivable of a claim to citizenship in the nation, whether merely enrolment, or for original admission of one never before a citizen, or for restoration to rights formerly had and lost, if it was within the constitutional power of the Cherokee legislative body to confer so wide and complete a jurisdiction. I find no such constitutional restriction of the legislative power, and am therefore of opinion that such commission had as full and plenary power and jurisdiction to admit or to readmit any person to Cherokee citizenship as had the legislative body itself, except, perhaps, aliens in blood not resident of the nation.

8. It so seems, as observed in 7, foregoing.

9. It does not appear that she did.

10. The term "admit" may have the meaning of granting enrollment to actual citizens who had been dropped or omitted from the tribal rolls.

11. Under the acts of Congress for enrolment of the five civilized tribes the Commission is directed to scrutinize any other than the "confirmed" roll, and to enrol only those on other rolls that have lawful right thereto. The Cherokee roll of 1880 is conclusive evidence of the right at its date of those thereon, subject however to their subsequent expatriation. As to the other rolls the duty to scrutinize carries the right held by every tribunal, administrative or judicial, to impose any reasonable requirement as to the order and burden of proof, and, on challenge of right by the nation, to require claimant to establish by affirmative proof the right claimed.

12. As Alice L. Owen had lost her citizenship prior to the action of the Roach Young Commission (see 6 and 7 above), the Cherokee act of December 4, 1904, applied to her.

13. The Cherokee Nation being an autonomous state, had plenary power, subject to restraints imposed by Congress, to enact how citizenship in the nation should be lost.

14. No. The decision in the Journeysake and Blackfeather cases was spoken concerning citizens and held merely that one who is a citizen and member of the community can not be

excluded from the community ownership. In *Roff v. Burney* (168 U. S., 218, 222,) the court held that the status of citizenship or political relationship to the tribe may be withdrawn after being specially conferred. The power to withdraw after being conferred includes and implies a power by general law to define what circumstances work an expatriation and terminate the status.

15. The act of June 28, 1898, section 21 (30 Stat., 602), requires scrutiny of all Cherokee rolls, except that of 1880, and the enrolment only of those having lawful right thereto, and in so doing it is necessary to consider the laws of the tribe, which include giving proper force to the act of December 4, 1894, as one of the Cherokee laws. The act of February 8, 1887 (24 Stat., 388), as amended by the act of March 3, 1901 (31 Stat., 1447), can not be construed as effecting a repatriation of one who, like Mrs. Owen, had theretofore become expatriated from her nation. Act (Public 149), May 8, 1906, repeals that of 1901.

16. Such of Alice L. Owen's children as prior to June 28, 1898, permanently settled in the nation, continuing there to reside, are entitled to enrolment under section 21 of the act of June 28, 1898, supra.

17. No, for reasons above stated, and because the act of June 28, 1898, inhibits the Commission from enrolling persons who had not in good faith theretofore settled in the territory. She having become expatriated from the nation prior to such act,

-11-

was not exempt from its operation.

18. No (see 6 foregoing).

19. Yes (see 13 and 14, foregoing).

I adhere to the former opinion herein that the applicants are not entitled to be enrolled.

Very respectfully,

Frank L. Campbell.

Assistant Attorney-General.

Approved: June 15, 1906.

R. A. Hitchcock.

Secretary.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

G.R.

D.C. 25585.
I.T.D. 6212-1904.
1363-1906.
11004- "

June 19, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 2, 1906, there was filed with the Department a request of attorney for applicants for a reconsideration of the approved opinion of the Assistant Attorney-General for this Department of June 15, 1905, in accordance with which the Department on June 22, 1905, denied a motion for review and adhered to its former decision of October 3, 1904, denying the application of Alice L. Owen for the enrollment of herself and her two daughters, Jane Owen and Alice Owen, as citizens by blood of the Cherokee Nation.

Counsel for applicants requests answers to certain specific questions.

In an approved opinion of the Assistant Attorney-General for this Department dated June 15, 1906, said answers are made, and in view thereof the Department still adheres to its decision of October 3, 1904, denying the application of Alice L. Owen for the enrollment of herself and her two daughters, Jane Owen and Alice Owen, as citizens by blood of the Cherokee

-2-

Nation. A copy of said opinion is inclosed.

You are requested to advise Robert L. Owen, Esq.,
attorney for applicants, of such action.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee
R 785

Muskogee, Indian Territory, June 29, 1906

Robert L. Owen,

Muskogee, Indian Territory.

Dear Sir:

In accordance with the Department's instructions you are advised that this office is in receipt of departmental letter of June 19, 1906, enclosing an approved opinion of the Assistant Attorney General for the Interior department, dated June 15, 1906, and in accordance therewith the decision of the Department of October 3, 1904, denying the application of Alice L. Owen for the enrollment of herself and children, Jane and Alice Owen, is adhered to.

For your information there are enclosed herewith copies of said letter and opinion of the Assistant Attorney General.

Respectfully,

L M B

Commissioner

Encl. B-85

Muskogee, Indian Territory, July 12, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith for your information,
a copy of Departmental letter of June 19, 1906, enclosing
an approved opinion of the Assistant Attorney-General for
the Interior Department, dated June 15, 1906, relative to
the Cherokee enrollment case of Alice L. Owen et al.

Respectfully,

Encl. M.A.12-3.

Commissioner.

Cherokee R-785-

R-941-D-651.

Muskogee, Indian Territory, July 17, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

By the Act of Congress approved June 21, 1906 (Public
No. 258), it was provided:

"That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of Alice Owen and her children, to the final roll of the citizens by blood of the Cherokee tribe, the said persons being Cherokee Indians by blood, whose names, through neglect on their part or on the part of their parents, have been omitted from the tribal rolls: Provided, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior."

You will be allowed fifteen days from date hereof within which to file protest against the enrollment of Alice Owen and her children as citizens of the Cherokee Nation. If you fail to file protest within the time allowed the names of Alice Owen and her children will be included in a schedule of citizens of the Cherokee Nation and forwarded to the Secretary of the Interior for approval.

Respectfully,

LS

Commissioner.

INDEXED.

Commissioner to Five Tribes

No. 31250

Received
Jul 24 1906

Hastings, W.W.,
Muskogee, I.T.
July 24, 1906.

Protests against enrollment
of Alice L. Owen et al.

(COPY)

Office of
ATTORNEY FOR THE CHEROKEE NATION,
Muskogee, I. T.

D.C.31250

July 24, 1906.

Tams Bixby,

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of your communication of July 17, 1906, advising me of the provision of the Act of Congress approved June 21 1906 (Public No. 258), which in part provides as follows:

"That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names ofAlice Owen and her children to the final roll of the citizens by blood of the Cherokee tribe, the said persons being...Cherokee Indians by blood whose names, through neglect on their part or on the part of their parents, have been omitted from the tribal rolls: Provided, that the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes and shall be approved by the Secretary of the Interior,"

and I am also advised that fifteen days from the date thereof will be allowed within which to file protest against the enrollment of the said Alice Owen and her children as citizens of the Cherokee Nation, and in the event that no protest is filed that their names would be included in a schedule of citizens of the Cherokee Nation and forwarded to the Secretary of the Interior for approval.

In view of the fact that this case has been pending before the Department for a number of years, and in view of the fact that the Assistant Attorney General for the Department of the

Interior has twice rendered an opinion, first on June 15, 1905 (I.T.D.3642,6112-1904), and second on June 15, 1906 (I.T.D. 2834-1906), wherein the Assistant Attorney General holds that the said Alice L. Owen and her daughters, Jane and Alice, are not entitled to be enrolled as citizens of the Cherokee Nation by blood and adheres to his former opinion rendered on June 15, 1905, I do not deem it necessary to go into details in discussing this case. The testimony shows that Alice L. Owen, the principal applicant, went to the State of Virginia prior to or about the beginning of the Civil War, where she was married, where all of her children were born, and where she has continuously resided up to and including the present time.

For the reasons stated in the opinions of the Assistant Attorney General for the Department of the Interior and the reasons of the Commission to the Five Civilized Tribes, and because of the non-residence of the applicants, on behalf of the Cherokee Nation I desire to protest against the enrollment of Alice L. Owen and her children, and this protest is intended to be a protest against all included within the provisions of the Act of Congress hereinabove quoted.

Respectfully submitted,

(SIGNED) W. W. Hastings,

National Attorney, Cherokee Nation.

Muskogee, Indian Territory, August 1, 1906.

Robert L. Owen,

Muskogee, Indian Territory.

Dear Sir:

In connection with the provisions of the Act of Congress approved June 21, 1906 (Public No. 258), in regard to the enrollment as citizens of the Cherokee Nation of Alice Owen and children, you are requested to advise this office the names of all the children of Alice Owen, and state whether they made application for enrollment as citizens of the Cherokee Nation.

Respectfully,

M.A.

Commissioner.

Cherokee
R 785

Muskogee, Indian Territory, October 4, 1906

Alice L. Owen,
Lynchburg, Virginia.

Dear Madam:

The Act of Congress approved June 21, 1906 (Public
No. 258), in part provides:

"That the Commissioner to the Five Civil-
ized Tribes is hereby authorized to add the
names of Alice Owen and her children,
to the final roll of citizens by blood of
the Cherokee tribe, the said persons being . .
. . . Cherokee Indians by blood, whose names,
through neglect on their part or on the part of
their parents, have been omitted from the tribal
rolls: Provided, That the enrollment of said
persons by the Commissioner to the Five Civil-
ized Tribes shall not be objected to by the said
tribes, and shall be approved by the Secretary
of the Interior."

Under date of July 17, 1906, this office, calling
attention to said Act of Congress, notified the Attorney
for the Cherokee Nation, that he would be allowed fifteen
days from date within which to file such protest as he de-
sired to make against the enrollment of yourself and children
as citizens by blood of the Cherokee Nation.

Alice L. Owen-2

Under date of July 24, 1906, the attorney for the Cherokee Nation protested against the enrollment of yourself and children as citizens of the Cherokee Nation, a copy of which protest is enclosed herewith for your information.

You are advised that the Nation's protest has this day been forwarded to the Secretary of the Interior, and in view of the same, this office has recommended to the Secretary of the Interior, that his decision dated October 3, 1904, rejecting the application for the enrollment of yourself and children, Jane and Alice Owen, as citizens by blood of the Cherokee Nation, be adhered to.

You will be advised of any further action taken in connection with your case.

Respectfully,

L M B

Commissioner

Encl. B-88

Cherokee
R 785

Muskogee, Indian Territory, October 4, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory. .

Dear Sir:

Referring to your protest of July 24, 1906,
against the enrollment as citizens by blood of the Chero-
kee Nation, of Alice Owen and her children, in accordance
with the Act of Congress approved June 21, 1906 (Public
No. 258), you are advised that your protest has this day
been transmitted to the Secretary of the Interior, with
the recommendation that his decision of October 3, 1904,
rejecting the application for the enrollment of Alice L. ,
Jane, and Alice Owen, as citizens by blood of the Chero-
kee Nation, be adhered to.

Respectfully,

L M B

Commissioner

Muskogee, Indian Territory, October 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Act of Congress approved June 21, 1906
(Public No. 258), in part provides:

"That the Commissioner to the Five Civil-
ized Tribes is hereby authorized to add the
names of Alice Owen and her children
to the final roll of the citizens by blood of
the Cherokee tribe, the said persons being . .
. . . Cherokee Indians by blood, whose names,
through neglect on their part or on the part of
their parents, have been omitted from the tribal
rolls: Provided, That the enrollment of said
persons by the Commissioner to the Five Civil-
ized Tribes shall not be objected to by the said
tribes, and shall be approved by the Secretary
of the Interior."

Under date of July 17, 1906, this office, call-
ing attention to said Act of Congress, notified the At-
torney for the Cherokee Nation that he would be allowed
fifteen days from date within which to file such protest
as he desired to make against the enrollment of Alice Owen
and her children as citizens of the Cherokee Nation.

Under date of July 24, 1906, the attorney for

Secretary-2

the Cherokee Nation protested against the enrollment of Alice Owen and her children, and stated that his "protest is intended to be a protest against all included within the provisions of the Act of Congress" above quoted.

The Nation's protest is enclosed herewith, and in view of such protest it is respectfully recommended that the Department adhere to its decision of October 3, 1904 (I. T. D. 2212-1904), rejecting the application of Alice L. Owen, for the enrollment of herself and children, Jane and Alice Owen, as citizens by blood of the Cherokee Nation. See approved opinions of the Assistant Attorney General for the Interior Department, dated June 15, 1905 (I. T. D. 3642-2212-1904), and June 19, 1906 (I. T. D. 1363-11204-1906).

The records in the Cherokee enrollment cases of Robert G. Owen, et al. (I. T. D. 6363-1904, 1110-1905), and Charles Owen et al. (I. T. D. 9102-1906), children of Alice Owen, are this day transmitted to the Department.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. P-83

L M B

Commissioner

D.C. 45075.

(COPY)

G.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.H.M.

October 9, 1906.

I.T.D.
3742-1904.
7274-1905.
11004-1906.
19438-1906.
J.P.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the provisions of the Act of Congress approved June 21, 1906 (34 Stat., 340), authorizing you to add the names of Alice Owen and her children to the final roll of the citizens by blood of the Cherokee tribe, Provided, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribe, and shall be approved by the Secretary of the Interior, there is remanded to you for readjudication in accordance with the above provision, the record in the matter of the application of Alice L. Owen, for the enrollment of herself and two daughters, Jane and Alice Owen as citizens by blood of the Cherokee Nation.

Your attention is invited to departmental letters of August 31, 1906 (I.T.D.9102), and September 21, 1906(I.T.D.1110-1905), remanding the record in the case of Charles Owen, for himself and his brother, Owen Owen, and the case

of Robert O. Owen, for himself and his minor child, Owen Owen.

Respectfully,

Thos Ryan
First Assistant Secretary.

Through the
Commissioner of Indian Affairs.

23 enclosures.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of October 9, 1906 (I. T. D. 19438-1906) referring to the provisions of the Act of Congress approved June 21, 1906, (34 Stats. 340) authorizing the addition of the names of Alice Owen and her children to the roll of citizens by blood of the Cherokee Nation and remanding to this office for readjudication in accordance with the provisions of said Act, the record in the matter of the application of Alice L. Owen for the enrollment of herself and daughters Jane and Alice Owen, as citizens by blood of the Cherokee Nation.

The Department refers to its letters to this office of August 31, 1906, (I.T.D. 9102), and September 21, 1906, (I.T.D. 1110-1906) remanding the records in the cases of Charles Owen and brother, Owen Owen, and Robert O. Owen and his minor child Owen Owen.

In reply you are respectfully advised that under date of October 4, 1906, this office transmitted a protest of the attorney for the Cherokee Nation, against the enrollment of Alice Owen and her children, and in view of said protest, recommended that the Department adhere to its decision of October 3, 1904, (I.T.D. 6212-1904) rejecting the application of Alice L. Owen for the enrollment

Sec. of Int)-----2.

of herself and children Jane and Alice Owen.

The records in the cases of Charles Owen, et al., and Robert O. Owen, et al., were also transmitted to the Department on that date.

The record in the case of Alice L. Owen, et al., transmitted with Departmental letter of October 9, 1906, are returned herewith.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

VC-20-2.

85

Alice L. Owen, et al

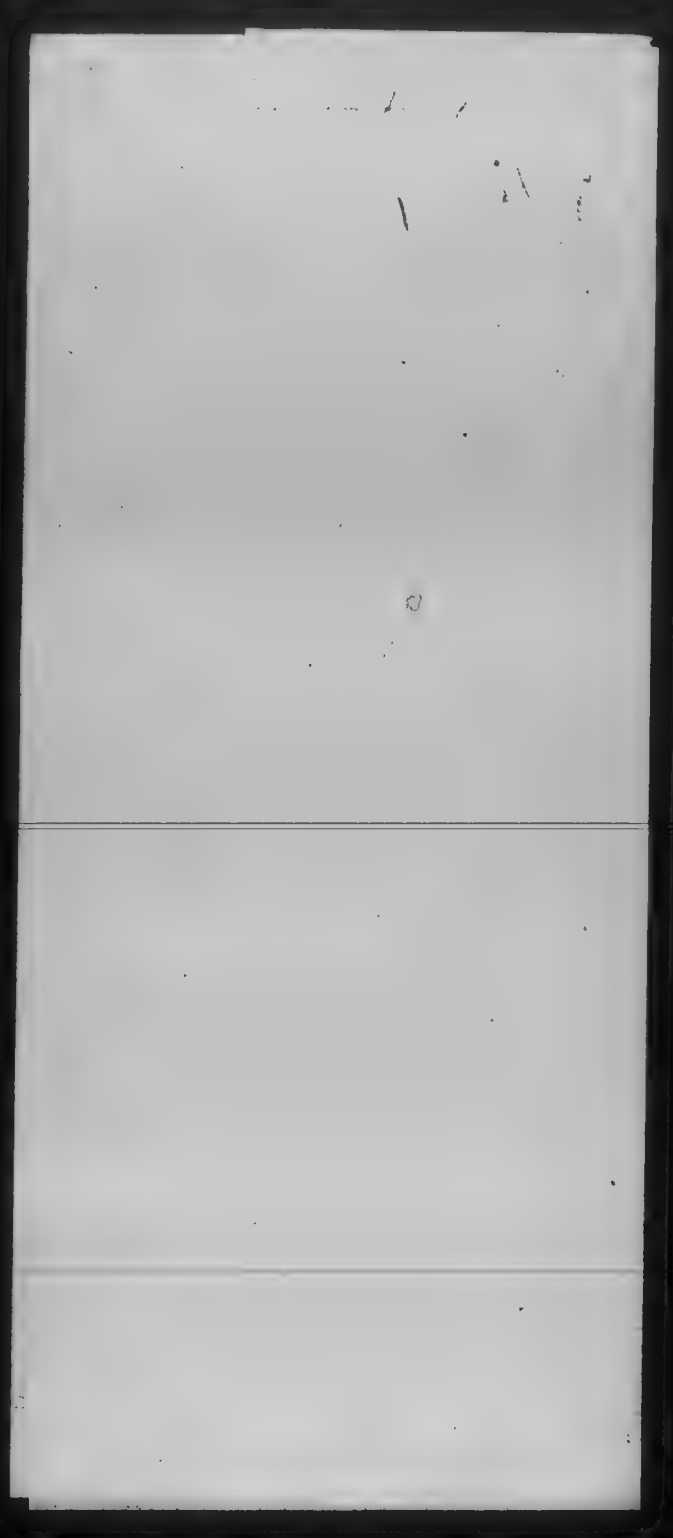
20

Transferred from Cherokee II. 826

See Cherokee 4795.

Cher R 786

Cher R 786



Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 16, 1900.

In the matter of the application for the enrolment of Earl Davis
et al. as Cherokees by blood.
Susan Davis, being sworn and examined by Commissioner Breckin-
ridge, testified as follows:

Q Give me your full name? A Susan Davis.
Q How old are you? A 44.
Q What is your post office? A Nowata.
Q You live in Cherokee-seeoowee district? A Yes, sir.
Q Now if you want to have put on the roll, some minor children
that you are guardian for? A Yes, sir, you will find their names
in here.
Q Now give me the names of these children, please, and their ages,
beginning with the oldest? A Earl Adair Davis, 6 years old.
Q Now the next child is Miller Davis, 5 years old? A Yes, sir, he
is five.
Q And the next child is Susie, she is 3 years old? A Yes, sir.
Q That is all of that set of children? A Yes, sir.
Q Now you have some more children, one named Gaston Davis? A Yes,
sir.
Q How old is he? A He is 10 years old.
Q And the next is Frank? A Yes, sir.
Q How old is he? A He is 9.
Q Are these children all living at this time? A Yes, sir.
Q These children have different mothers, haven't they? A Yes, sir.
Q Give me the name, please, of the father of the first three child-
ren, Earl, Miller and Susan? A Earl Davis.
Q Is he a Cherokee or a white man? A He is a Cherokee.
Q Is he alive or dead? A He is alive.
Q How old is he? A 37.
Q Where is he living at this time? A He is living in Georgia.
Q How long has he been living in Georgia? A I can't tell exactly.
Q Has he been living there a number of years? A He has been
living there several years.
Q When did he live in the Cherokee Nation, ever? A In 1893.
Q How long prior to 1896 did he live here? A I can't say that
either.
Q Is he on any of the rolls of the Cherokee Nation? A Yes, sir,
he is on the 1880 roll and 1887 and the 1893 roll I think.
Q Wasn't he admitted to Cherokee citizenship by the Cherokee Com-
mission? A Yes, sir.
(The applicant presents an official certificate of admission to
Cherokee citizenship, showing that on the 15th of December, 1887,
certain persons were admitted to Cherokee citizenship, and among them
appears the name of Earl Davis, 24 years of age at that time.)
Q That then, is the name of the father of these three children of
whom we are not speaking? A Yes, sir.
(This is recognized as official evidence of the admission of Earl
Davis as stated.)
Q Now was Earl Davis here in the Cherokee Nation at the time he
was admitted in September, 1887? A Soon afterwards.
Q How long did he stay? A I can't say how long he stayed.
Q You indicated a while ago that he was here until 1893? A Yes,
sir, he was here in 1893.
Q Was he here from the time he was admitted until 1893? A No, sir,
not all the time.
Q Has he been here since 1893? A He has not.
Q Were these children all born in Georgia? A Yes, sir.
Q Now give me the name of the mother of these children? A Zha-
docia.
Q How old is she?

Earl A. Davis - 2.

A I really don't know how old she is.
Q Is she a Cherokee or a white woman? A She is a white woman.
Q Was she ever married except to her present husband? A No, sir.
Q Was she ever married except to her? A No, sir.
Q When was Theodocia married to her husband? A For just
when.
Q Now give me please the name of the father of the second set of
children, Gaston and Frank? A Lorenzo D. Davis.
Q Is he living? A Yes, sir, he is living.
Q How old is he? A 43.
Q Is he a Cherokee? A He is a Cherokee.
Q Is he living at this time? A He is living in Georgia.
Q When was he last living in the Cherokee Nation? A Not since
1893.
Q Was he ever admitted to Cherokee citizenship by the Cherokee
Commission or Council? A Yes, sir.
Q Have you a certificate of his admission? A No, sir, I haven't
got the certificate, it has been misplaced somewhere.
Q When was he admitted, at the same time Earl Davis was? A Yes, sir
in 1897.
Q But you haven't a copy of the certificate just at present? A No,
sir.
Q You state, then, that he lived in the Cherokee Nation only a
little while after his admission until 1893, and then moved back to
Georgia; did he move back to Georgia in 1893, did he live here from
the time of his admission until 1893? A I ~~cannot~~ can't say
that, I don't know how long he stayed here.
Q You don't know how long he stayed here? A No, sir.
Q Was he as much as a year or two years or six months before
1893? A I can't say.
Q You are his sister, aren't you? A Yes, sir.
Q Don't you know? A No, I don't know.
Q Did he ever move his family out here? A No, sir, he didn't
move his family out here, he didn't stay very long.
Q He just came here and looked around and went back? A I guess
that is about it.
Q Did he bring his wife? A No, sir.
Q All that you know is he visited a bit here in 1893? A Yes, sir
I know he wasn't here but a short time.
Q And didn't bring his family or his effects? A No, sir.
Q Give me the name now, please, of the mother of these two children,
Gaston and Frank. A Theodocia.
Q Is that the same mother as the other children? A Mary was
the mother of the other children.
Q What is the name of the father of the first three children?
A Earl Davis.
Q What was the name of the mother of these three children, Earl,
Miller and Susan Davis? A Mary Davis.
Q Was she ever in the Cherokee Nation? A No, sir.
Q Did Earl Davis, the father of these three children that I have
just named, simply come here in 1893 and pay a visit and then go back
to Georgia? A He came here with the intention of locating here.
Q But didn't locate here? A No, sir, and then he went back
and circumstances were such that he never returned.
Q After he went back in 1893 he married, is that true? A Yes, sir.
Q Married his wife Mary? A Yes, sir.
Q And these children were all born there of this wife Mary?
A Yes, sir.
Q Now we leave these three children: we are going to talk now
about Gaston and Frank. What is the name of their father? A Lorenzo.
Q What is the name of their mother? A Theodocia.
Q Was that Theodocia Davis ever in the Cherokee Nation? A No, sir.
Q She is a white woman, is she? A Yes, sir.
Q Were her children all born in Georgia? A They were all born

Carl A. Davis et al. - 3.

in Georgia.

Q Was Lorenzo Davis married when he came here on a visit in 1893?

A Yes, sir.

Q He didn't bring his wife? A He did not.

Q He didn't bring his children and locate here? A No, sir.

Q These children are all living now, are they? A They are all living. They are not on the roll of 1896.

Q Are they on any roll? A They are not on any roll.

Q You are not applying for the father and mother of these children?

A No, sir.

The applicant is shown by letters of citizenship dated August 14, 1897, signed by the Judge of Georgia's second district, to have made a proper application for the first three children for whom she applies, Carl A., Miller, and Susan Davis. It appears from the certificate of admission cited in the testimony that the father of these children prior to his marriage was admitted to citizenship in 1887, and also prior to his marriage paid a visit to the Cherokee Nation, but did not locate. That was in 1893. He returned to Georgia, and has lived there ever since. He married there and neither his wife nor any of his children have ever been in the Cherokee Nation, nor are any of the children upon any of the rolls of the Cherokee Nation. It is not considered, therefore, that these children have ever in any manner been admitted to Cherokee citizenship, and none of them being upon any roll of the Cherokee Nation, they are deemed to come under the provision of the Indian Appropriation Bill, approved May 31, 1900, page 18, which prohibits the Commission from receiving, considering or making any record of the application for any person for enrollment as a member of any tribe who has not been recognized as a citizen thereof and duly and legally enrolled or admitted as such. It cannot be seen how these children either by birth of act of the Cherokee authorities, have ever been admitted into citizenship and a memorandum will be made of their application. The Commission is not deemed to have jurisdiction over them. If it is desired that this memorandum be reported to the Secretary of the Interior, it will be done upon receipt of a written request to that effect.

As for the next two children, Gaston and Frank, who are the children of Lorenzo D. and Theodocia Davis, they are both of age to be enrolled, they are not identified upon any roll of the Cherokee Nation. Their father is said to have been admitted in 1887, but no official evidence is produced to that effect. It is said that he simply paid a brief visit to the Cherokee Nation in 1893, observed the surroundings and returned to Georgia. He did not bring his family here, or locate, or avail himself of the act of admission, if such was passed. These children were all born in Georgia, and in no way seem to have been admitted to Cherokee citizenship or enrollment, and therefore the Commission is deemed to have no jurisdiction over the application for their enrollment at this time, and a memorandum will be made to that effect as in the former case.

The papers cited in the testimony are returned to the applicant.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 14th day of October, 1900.

Commissioner.

~~Memorandum~~ B
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 16 1900

181268

ACTING CHAIRMAN.

COOWEESCOOWEE,
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 16 1900 1900.

Name Nowata, D.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

1. Carl A. Davis	Dist. <u> </u>	Year <u>1896</u>	Page <u> </u>	No. <u> </u>	Age <u>6</u>
2. Miller "	Dist. <u> </u>	Year <u> </u>	Page <u> </u>	No. <u> </u>	Age <u>5</u>
3. Susie "	Dist. <u> </u>	Year <u> </u>	Page <u> </u>	No. <u> </u>	Age <u>3</u>
4. Gaston "	Dist. <u> </u>	Year <u>1896</u>	Page <u> </u>	No. <u> </u>	Age <u>16</u>
5. Frank "	Dist. <u> </u>	Year <u> </u>	Page <u> </u>	No. <u> </u>	Age <u>9</u>
	Dist. <u> </u>	Year <u> </u>	Page <u> </u>	No. <u> </u>	Age <u> </u>
	Dist. <u> </u>	Year <u> </u>	Page <u> </u>	No. <u> </u>	Age <u> </u>
	Dist. <u> </u>	Year <u> </u>	Page <u> </u>	No. <u> </u>	Age <u> </u>
	Dist. <u> </u>	Year <u> </u>	Page <u> </u>	No. <u> </u>	Age <u> </u>
	Dist. <u> </u>	Year <u> </u>	Page <u> </u>	No. <u> </u>	Age <u> </u>
	Dist. <u> </u>	Year <u> </u>	Page <u> </u>	No. <u> </u>	Age <u> </u>

Application made by guardian, Susan Davis.

RECEIVED BY THE
COMMISSIONER OF THE
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.
MAY 10 1902

TO THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.
FROM THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR-31 1902

TO THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.
FROM THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.

TO THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.
FROM THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 13, 1902.

In the matter of the application of Susan Davis for the enrollment of her wards, Earl Adair Davis, Miller Davis, Susie Davis, Gaston Davis, and Frank Davis, as citizens by blood of the Cherokee Nation.

Susan Davis appeared before the Commission October 16, 1900, and made application for the enrollment, as citizens of the Cherokee Nation, of Earl Adair Davis, aged six years; Miller Davis, aged five years; and Susie Davis, aged three years, children of Earl Davis, a Cherokee, and Mary Davis, a white woman; and Gaston Davis, aged ten years, and Frank Davis, aged nine years, the children of Lorenzo D. Davis, a Cherokee, and Theodocia Davis, a white woman.

Earl Davis, the father of the first three children, was admitted to citizenship in the Cherokee Nation December 15, 1887, by the Cherokee Commission on Citizenship, and Lorenzo D. Davis, the father of Gaston and Frank Davis, was also admitted to citizenship on the 16th day of December, 1887, as is shown by the citizenship records of the Cherokee Nation now in possession of the Commission.

It appears, however, from the testimony in this case that Earl Davis and Lorenzo D. Davis did not remove to and settle in the Cherokee Nation after their admission to citizenship by the tribal authorities of said nation, and were not residents therein when this application was made for the enrollment of their children.

The examining official held, when this application was made, that the Commission had no jurisdiction as regards the application of Susan Davis for the enrollment of Earl Adair Davis, Miller Davis, Susie Davis, Gaston Davis, and Frank Davis, as citizens of the Cherokee Nation, for the reason that their names do not appear upon any of the tribal rolls of the Cherokee Nation now in possession of the Commission, and only a memorandum was made of their application.

The Cherokee National Council on the 4th day of December, 1894, enacted the following law:

"Be it enacted by the National Council, That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided, That nothing in this act shall bar minors and orphans."

In view of the foregoing provision, it appears that the Commission has jurisdiction over this application, and that the applicants should be listed as doubtful claimants, awaiting further consideration by the Commission.

It is therefore directed that Cherokee Memorandum Case No. 124, being that of the children referred to, be cancelled, and that their names be placed upon a doubtful card. Evidence as to the marriage of their parents should be supplied.

It is directed that copies of this statement be filed with the testimony in the above case.


Commissioner.

Supl.-C.D.#1268.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of EARL A. DAVIS,
ET AL., as citizens of the Cherokee Nation:

Susan Davis was notified by registered letter March 3, 1902, that the application for the enrollment of ~~Earl~~ Earl A. Davis, et al., as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that she could on said date appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting said application. The applicant has this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes ~~xx~~ I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Earl A. Davis, Miller Davis, Susie Davis, Gaston Davis and Frank
Davis as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 10, 1900,
Susan Davis appeared before the Commission at Nowata, Indian Terri-
tory, and made personal application for the enrollment of the minor
children, Earl A. Davis, Miller Davis, Susie Davis, Gaston Davis and
Frank Davis, as citizens by blood of the Cherokee Nation. Further
proceedings in the matter of said application were had at Muskogee,
Indian Territory, January 13, 1902.

The evidence shows that the applicants, Earl A. Davis,
Miller Davis and Susie Davis, are the minor children of one Earl
Davis by his wife, Mary Davis, a white woman, and that they claim
right to enrollment through said Earl Davis, who was readmitted to
citizenship in the Cherokee Nation by the duly constituted authori-
ties of said Nation on December 26, 1887.

The evidence further shows that the applicants, Gaston
Davis and Frank Davis are the minor children of one Lorenzo D. Davis
by his wife, Theodicia Davis, a white woman, and that they claim
right to enrollment through said Lorenzo D. Davis, who was readmitted
to citizenship in the Cherokee Nation by the duly constituted authori-
ties of said Nation on December 10, 1887.

The evidence further shows that neither said Earl Davis
nor Lorenzo D. Davis ever removed to or settled in the Cherokee
Nation, but that they continued to reside in the State of Georgia
up to and including the date of this application. The evidence
further shows that all of the said applicants were born, and have
always resided, in the State of Georgia, and that none of them were
residing in the Cherokee Nation or the Indian Territory on June 28,
1898.

Paragraph nine, Section twenty-one of the Act of Congress,
approved June 23, 1898, (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed
to and in good faith settled in the Nation in which he claims
citizenship."

It is, therefore, the opinion of this Commission that the
application for the enrollment of Earl A. Davis, Miller Davis, Susie
Davis, Gaston Davis and Frank Davis, as citizens by blood of the
Cherokee Nation, should be denied, and it is so ordered.

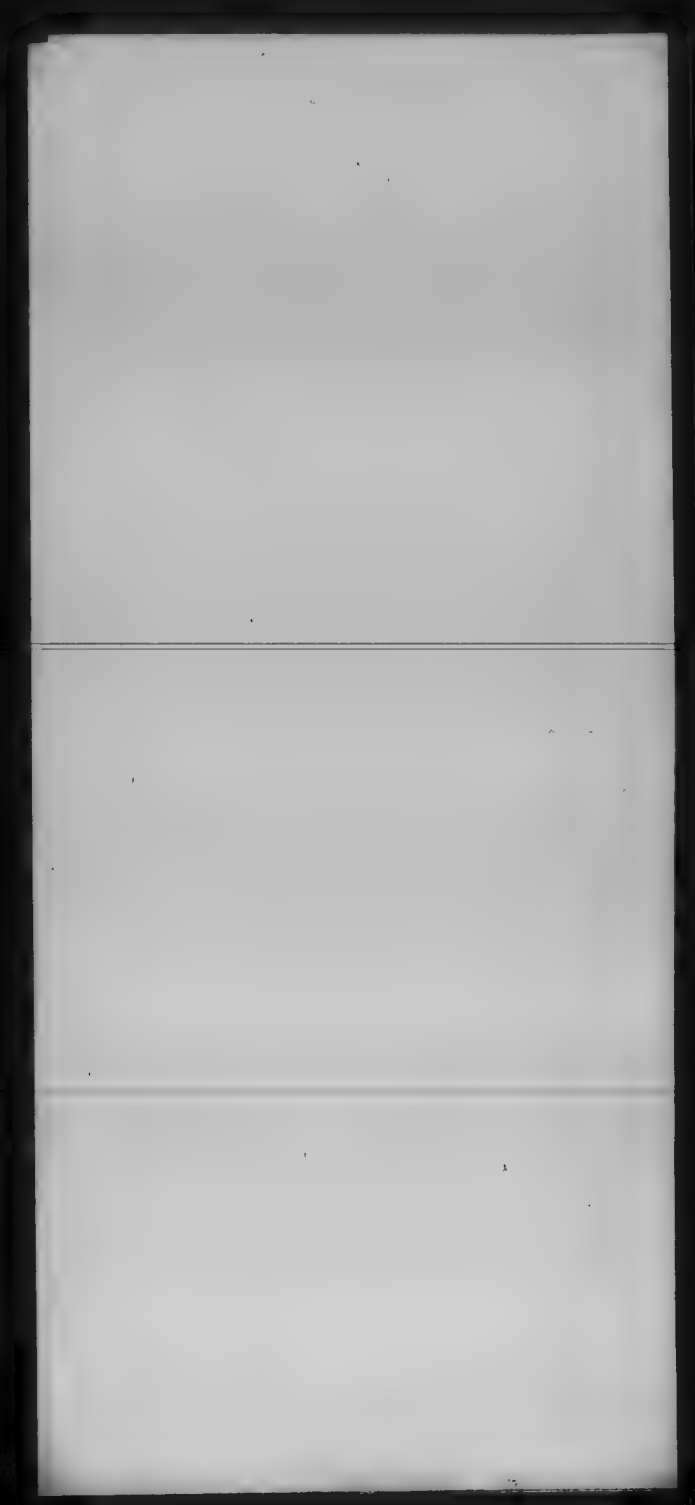
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this NOV 12 1902



COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRICKNORRIDGE
ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1268

PLEASE ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

March 3,

1902.

Mrs. Susan Davis,

Nowata, Indian Territory,

Madam:-

You are hereby notified that the application of

Earl A. Davis et al

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of marriage to Earl A. Davis; also certificate of marriage showing the marriage of Lorenzo and Theodocia Davis.

Register.

Yours truly,

ALLISON L. AYLESWORTH.
Commissioner in Charge.

In reply refer to
Cherokee D 1262.

Muskogee, Indian Territory, June 14, 1902.

Susan Davis,

Nowata, Indian Territory.

Madam:

In the matter of your application for the enrollment of your wards, Earl Adair Davis, Miller Davis, Susie Davis, Gaston Davis and Frank Davis, as citizens of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of these cases, that you submit to this Commission additional testimony showing the marriage of Earl Davis to his wife, Mary Davis, the alleged mother of Earl, Miller and Susie Davis; also evidence showing the marriage of Lorenzo D. Davis to Theodosia, his wife, the alleged mother of Gaston and Frank Davis.

This testimony must be furnished on or before July 1st, 1902.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D 1268.

COPY.

Muskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Susan Davis for the enrollment of her wards, Earl A., Miller, Susie, Gaston and Frank Davis, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated November 12, 1902, rejecting said application.

Respectfully,

W. B. Bixby
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 12.

0074
Cherokee D 1268.

Muskogee, Indian Territory, November 14, 1902.

Susan Davis,

Nowata, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your wards, Earl A., Miller, Susie, Gaston and Frank Davis, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated November 12, 1902, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Bix
Acting Chairman.

Register.

Enclosure H. No. 10.

CC-

Cherokee D 1268.

Muskogee, Indian Territory, November 14, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, rejecting the application of Susan Davis for the enrollment of her wards, Earl A., Miller, Susie, Gaston and Frank Davis, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

14-1017
Acting Chairman.

Enclosure H. No. 11.

Refer
In reply to the following:
Land
69072-1902

Department of the Interior,
Office of Indian Affairs,
Washington, December 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report, dated November 14, 1902, from the Acting Chairman of the Commission, forwarding the record relative to the application of Susan Davis for the enrollment of her minor children Earl A., Miller, Susie, Gaston and Frank Davis, as citizens by blood of the Cherokee Nation.

The records show that the applicants Earl A., Miller and Susie Davis, are the minor children of Earl Davis, a citizen of the Cherokee Nation and his wife, Mary Davis, a white woman. They claim the right to enrollment through their father, Earl Davis, who was readmitted to citizenship in the Cherokee Nation December 26, 1887. It also shows that applicants Gaston and Frank Davis are the minor children of Lorenzo D. Davis and his wife, Theodicia Davis, a white woman. They claim the right to enrollment through their father who was readmitted to citizenship in the Cherokee Nation, December 16, 1887.

Earl Davis and Lorenzo D. Davis were residents of Georgia at the time of their readmission and the record shows

-2-

that they did not remove to and reside in the Cherokee Nation. It further shows that none of the applicants herein named were residents of the Cherokee Nation on June 28, 1898. This being true, the Commission's decision of November 12, 1902, adverse to the applicants, should be approved and the office so recommends.

Very respectfully,

W. A. Jones,
Commissioner.

G.A.W. (B)

D.C. #25143

DEPARTMENT OF THE INTERIOR.

BAF.

WASHINGTON.

ITD. 7597-1902.

December 15, 1902.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the application for enrollment of Earl A., Miller, Susie, Gaston and Frank Davis, as citizens by blood of the Cherokee Nation.

The evidence in the case shows that Earl A., Miller and Susie Davis are the minor children of Earl Davis who was readmitted to Cherokee citizenship in 1887, and his wife, Mary Davis, a white woman; that Gaston and Frank Davis are the minor children of Lorenzo D. Davis who was readmitted to Cherokee citizenship in 1887, and his wife, Theodicia Davis, a white woman; that neither Earl Davis nor Lorenzo D. Davis has ever removed to or settled in the Indian Territory; that all of the applicants have always resided in the State of Georgia, and none of them was residing in Indian Territory on June 28, 1898. You denied the application November 12, 1902, in accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495).

The Acting Commissioner of Indian Affairs forwarded

-2-

the papers December 6 and recommended approval of your decision. A copy of his letter is inclosed.

Upon a careful consideration of the record the Department affirms your decision.

Respectfully,

(signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee D 1268.

Muskogee, Indian Territory, January 6, 1903.

Susan Davis,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting your application for the enrollment of your five wards, Earl A., Miller, Susie, Gaston and Frank Davis, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 15, 1902.

Respectfully,

Acting Chairman.

Cherokee D 1268.

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting the application of Susan Davis for the enrollment of her five wards, Earl A., Miller, Susie, Gaston and Frank Davis, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 15, 1902.

Respectfully,

Acting Chairman.

D. C. 9363-1904.

JP THE LRS

DEPARTMENT OF THE INTERIOR,

I.T.D. 7597-1902
7162-1903.

WASHINGTON.

March 23, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 15, 1902, the Department affirmed your decision rejecting the application for the enrollment of Earl A. Davis, Miller Davis, Susie Davis, Gaston Davis and Frank Davis, as citizens by blood of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded for readjudication by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. October 7, 1903, the Indian Office recommended that your suggestion be carried out.

The Department does not consider it necessary to remand the case. The evidence shows that Earl Davis, the father of Earl A. Davis, Miller Davis, and Susie Davis, and Lorenzo D. Davis, the father of Gaston and Frank Davis, were admitted to citizenship in the Cherokee Nation in 1887; that neither Earl Davis nor Lorenzo D. Davis ever removed to and settled in the Cherokee Nation, but that they continued to reside in the state of Texas up to and including the date of their application in this case. None of the applicants have ever resided in the Cherokee Nation or Indian Territory.

-2-

The decision of December 15, 1902, is adhered to. See opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, and his opinions of March 12, 1904, in the cases of Julia A. Moore et al., and Mary L. Strickland et al.

Respectfully,

Thos Ryan,

Acting Secretary.

CHEROKEE

R-786

Earl Davis, et al.

DENIED
ACTION APPROVED BY
SECRETARY OF INTERIOR.
DEC 15 1902

R-786

Transferred from Cherokee D-1268.

Cher R 787

Cher R 787

CHEROKEE
George A. Kenyon.

DENIED
ACTION APPROVED BY
SECRETARY OF INTERIOR.
DEC 26 1902

APR 4 1904

JUL 28 1905

and
10920

Transferred from Cherokee D-1294.

Cher R 788

Cher R 788

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 30, 1903.

In the matter of the application of William H. Meroney for the enrollment of himself as a citizen of the Cherokee Nation. The said William H. Meroney, being duly sworn and examined by the Commission, testified as follows:

- Q What's your name? A William H. Meroney.
Q What is your age? A 25.
Q What is your postoffice address? A Nowata, Indian Territory.
Q What district in the Cherokee Nation are you living in? A I live right in Nowata.
Q You claim to be a Cherokee by blood? A Yes, sir.
Q What is the name of your father? A Bailey B. Meroney.
Q Is he living or dead? A He's dead.
Q Was he a Cherokee or a white man? A He was a white man.
Q What is the name of your mother? A Martha A. Meroney.
Q Is she living? A Yes, sir, she's living.
Q Is she a Cherokee? A She is a Cherokee, yes, sir.
Q Where were you born? A Born in North Carolina.
Q When did you come to the Cherokee Nation? A Why I come under a guardian; I don't know just exactly when; then I was readmitted in '88.
Q Have you any evidence of that readmission? A Well I guess it being on the pay-roll, and having a guardian appointed at that time, and my guardian's papers are all here he told me.
Q Were you admitted by the council or by the Cherokee Commissions on citizenship? A I couldn't answer that; don't know.
Q Under whose name was this application made, do you know that? A No, I don't know no more than that I have got a guardian, and was under a guardian whose name was Dr. Sudderth.
Q Did your mother ever apply for citizenship? A No, I don't know; I don't suppose she did; I don't know about that. But my guardian, Dr. Sudderth, you had better look for him.
Q What's your mother's name at this time? A It's Martha A. Meroney.
Q What's that guardian's name? A Sudderth, J. P. Sudderth.

It appears from the records of the Cherokee Nation now in the possession of this Commission that the following named persons, to wit Martha Maroney, aged fifty; Florence Maroney, aged twenty-two; John L. Maroney, aged twenty, Baily B. Maroney, aged nineteen, Louisa Maroney, aged fourteen; William H. Maroney, aged nine, and Elizabeth W. Maroney, aged 6, were admitted to citizenship on the 11th day of February, 1888, by the Cherokee Commission on Citizenship. The entry appears upon Docket C, page 495, Docket Commission on Citizenship.

- Q After your admission to citizenship in 1888 how long did you continue to live in the Cherokee Nation? A I have been gone four years.
Q When did you come back? A Came back a week ago last—I have been back about a week or something like that.
Q Where were you? A I was in Georgia part of the time, and Tennessee part of the time; went to school in Georgia, in Atlanta, part of the time in East Tennessee.
Q When did you quit school, when was the last time you attended school? A I have been about-out of school two years, I believe it's two years.
Q Two years? A Yes, sir.
Q Where were you at that time when you quit school? A Why I went twenty miles below Atlanta to work for a mining company; worked there for a few months, then was transferred up to Marble, North Carolina, for a while.

Q Since you were 21 years old up until about a week ago have you ever been in the Territory? A Well I was 21; I haven't been back since four years.

Q Well that's what I asked you; since you became of age up until a week ago have you ever been in the Territory? A Well I was here for a little while after I became of age, a few months.

Q About how long? A Well I guess two or three months or something like that, I couldn't say just exactly, but I think that's about it.

Q Do you own any property in the Cherokee Nation? A No, sir.

Q Where is your mother living at this time? A She is living in North Carolina.

Q Have you been living back there with her? A No, I haven't been living with her; I was there a month or two.

Q She has never lived here in the Territory since her admission? A No, sir.

Q Have you ever drawn any money from the tribal authorities of the Cherokee Nation? A Yes, sir, I drew money.

1894 roll, page 249, No. 2891, William H. Maroney, Coowee-
scoowee District.

Q Where were you living when you were admitted to citizenship? A Why I was going to school.

Q Well, where? A In North Carolina.

Q Your mother was living there at that time, was she? A She was out here at that time, I think; I don't know whether she-- she wasn't living here, but she was out here I think.

Q How long had she been here prior to the time she made application for admission? A I couldn't say.

Q How long did she continue to remain after she was admitted? A Well I don't know that I could answer.

Q Don't you know about how long it was? A Let me see.

Q How long did your mother continue to live here after she was admitted to citizenship? A She was out here, but I was going to school, and I don't know that I could answer you that she didn't live here several years; was out here a good while, but I couldn't give any accurate answer.

Q Was it as much as a year? A Yes, sir, I suppose so.

Q Did she acquire any property here? A Why I don't know; no, I don't know whether she did or not; I was under a guardian from the time of the citizenship on, and he was supposed to be looking after me.

Q When did you first come to the Territory after 1888? A Six or seven, five or six years ago.

Q Well now how much; was it five years or six years? A Let me see if I can find out just how long. Five years I believe.

Q It was along in '97? A Yes, sir, I reckon it was.

Q How long did you stay here? A Why I stayed here a year or something like that, something like a year and a few months, or something like that.

Q With whom were you living while you were here? A I lived with my guardian up here at Nowata, I wasn't there all the time; taught school at Watova, but that was my home though, but I didn't stay there all the time; there once a month.

Q Where did you go then after you went away from the Territory? A I went to Blue Ridge, Georgia, and I was to meet a man in Blue Ridge, Georgia, and I went, and after I met him in about thirty days I went to work below Atlanta.

Q Now had you ever in the mean time returned to the Cherokee Nation? A Let's see.

Q From 1897 up until about a week ago have you ever been in the Cherokee Nation? A No, sir.

Q Never had been in? A No, sir, I hadn't been back.

Q Did you ever exercise the right of suffrage in the states; that is, did you ever vote? A Why I started to vote once, and I was challenged, and the vote was thrown out; they made me pay a poll tax, and I started to vote and I was challenged as I wasn't a citizen of the state.

Q Was that the only time you have ever endeavored to vote? A Yes, sir, that's the only time.

Q When was that? A That was about two years ago I reckon.

Q With whom are you living now? A Living with Dr. Sudderth, my guardian, at Nowata.

Q Did you bring any effects with you when you came up this last time besides your trunk? A What little change I had; all I had, not very much.

Q Are you engaged in any occupations? A Why I am going to be in a few days up there, going to work in a store, got a job, but haven't started to work yet.

J. C. Starr, Representative of the Cherokee Nation: Where did you say your mother was living in 1888? A Why I suppose she was living-- she was living in North Carolina at that time.

Q What property did she own there at that time? A Why she owned some property.

Q Own a farm? A Yes, sir.

Q Home there? A I don't know whether she had any home there; yes, sir, she owned a house in the town.

Q Did she ever move to the Cherokee Nation with her effects, all of her property and household goods? A Did she herself?

Q Yes, sir. A No, sir, I don't suppose she did; know she didn't.

COMMISSION: You stated a while ago in the direct examination that your mother was residing in the Cherokee Nation in 1888? A Well I said she was out here about that time, but I didn't say that she lived here.

Q You told the Cherokee representative here that she was residing in North Carolina in 1888; where was she living, in Georgia? A Why back in the states; why I said she was out here about that time; but I didn't say that she had her effects, but she was out here along about that time; I don't know whether she made it, called this her home or not; don't suppose she did; that's just about the substance of what I am trying to say.

Q Did you live with your mother during 1886? A Yes, sir.

Q From 1888 on up to the present time you haven't ever lived with your mother? A Well for a year or two; I was going to school; I guess-- Oh, I guess for a year maybe I was living with her, and she was living with one of my brothers; I don't know, I wasn't his house some.

Q Who's your guardian? A Dr. Sudderth.

Q Was he your guardian when you were admitted to citizenship? A Well I suppose that he was.

Q Well now don't you know that? A Well let's see, that was in 1888, wasn't it?

Q Yes, sir. A Well he was my guardian from that draw on.

Q From the time you drew money? A Yes, sir.

Q That's only been about seven years ago? A Well I don't know whether he was my guardian then or not; I don't know whether or not.

Q Well now with whom were you living in 1888, you were then about eleven years old, you ought to be able to remember with whom you were living at that time? A Why I was in North Carolina.

Q Well with whom were you living; with your mother or with your guardian? A I wasn't living with my guardian; I might have been living with my brother some.

Q How old is your brother? A I think my-- got two brothers-- about thirty-eight I reckon.

Q How long have they been married? A Why I don't know.

Q Were either of them married in 1888? A Yes, sir, I think

they were; let me see; I don't know; let me count a little bit and see; I don't know; no, I don't believe either one of them were married at that time.

Q Well then weren't they living with their mother? A Well I couldn't swear where to be positive.

Q Now you know as a matter of fact that you were all living with your mother in 1838, weren't you? A Well we were living there together; let me see, yes, sir, we were living there together; I don't know.

Q She was living in North Carolina in 1838 when she was admitted to citizenship? A Now then; I don't just exactly know how to answer those questions exactly; but she was out here sometime, but I don't know whether she claimed this her home or not.

Q This John P. Sudderth, that's your brother-in-law, isn't he? A Yes, sir.

Q Have you got any brothers older than his wife? A Yes, sir, all older than his wife.

Q How long did you know him before he married your sister? A I don't know that I knew him; I don't remember, yes, sir, I remember that he was there, going to school.

Q Was he your guardian before he married your sister or afterwards? A Afterwards, after he married my sister.

Q He didn't marry your sister until '93 did he; that's what the record in that case shows? A They have been married ten or twelve years I reckon.

On an examination of the testimony had in the matter of the applicant's guardian, John P. Sudderth, it is found that he was first married to Mrs. Lula Meroney in 1890, under the laws of the state of North Carolina, and in 1893 he remarried her under the laws of the Cherokee Nation.

William H. Meroney applies for the enrollment of himself as a Cherokee by blood. It appears that he was admitted to citizenship in the Cherokee Nation by the Cherokee Commission on citizenship in 1888. He is not identified on the census roll of 1896. He is duly identified on the pay roll of 1894. He does not make satisfactory proof as to his residence, and for that reason final judgment as to his application will be suspended and his name will be placed on a doubtful card, awaiting further consideration by the Commission.

Q Where were you living when this strip money was paid to you? A Was given to me?

Q Yes, sir. A I was up at Nowata when I got any of it.

Q When did you get it? A I didn't get it when it was drawn.

Q Well when did you get it? A Well I got it in parts while I was going to school; I believe some of it was sent to me to pay my way.

Q When was the first part sent to you? A That was a year or two after it was drawn; but I don't remember just when.

Q You weren't living in the Cherokee Nation when the payment was made? A Well I was supposed to be home with my guardian, but I wasn't here.

Q Were you living in the Cherokee Nation when this payment was made? A I wasn't in the Cherokee Nation.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

ported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur L. Branning

Subscribed and sworn to before me this 3rd day of May, 1902.

R. R. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 1902

[Handwritten signature]
Assistant Commissioner

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date 50102 1900.
Name Wm. J. Howard
District 1st Year 1914 Page 249 No. 2891
Citizen by blood Yes Mother's citizenship Yes
Intermarried citizen Yes
Married under what law None Date of marriage None
License None
Wife's name None
District None Year None Page None No. None
Citizen by blood None Mother's citizenship None
Intermarried citizen None
Married under what law None Date of marriage None

License None Certificate None
Names of Children:
Donald
Dist. 1st Year 1914 Page 249 No. 2891 Age 1
Dist. 1st Year 1914 Page 249 No. 2891 Age 1
Dist. 1st Year 1914 Page 249 No. 2891 Age 1
Dist. 1st Year 1914 Page 249 No. 2891 Age 1
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Dist. 1st Year 1914 Page 249 No. 2891 Age 1
Dist. 1st Year 1914 Page 249 No. 2891 Age 1
Dist. 1st Year 1914 Page 249 No. 2891 Age 1

One child in Oklahoma in 1914

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
William H. Meroney as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on April 30, 1902, William H. Meroney appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that the said William H. Meroney was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on February 11, 1888. The said William H. Meroney is identified on the 1894 Pay roll of the Cherokee Nation.

The evidence further shows that the applicant has not resided in the Cherokee Nation or Indian Territory since 1897.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of William H. Meroney as a citizen by blood of the Cherokee Nation, should be denied, under the provisions of the law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this NOV 20 1902

Cherokee

Cherokee-D-1295.
(R-788)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
William H. Meroney as a citizen by blood of the Cherokee Nation.

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-: D E C I S I O N :-

The record in this case shows that on April 30, 1902, William H. Meroney appeared before the Commission, at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation.

That on November 20, 1902, the Commission rendered its decision rejecting the application of the said William H. Meroney, which said decision was approved by the Department, on December 26, 1902. On September 21, 1903, the Commission requested that said case be remanded for re-adjudication in the light of the rulings of the Department in the Yeargain case and others subsequent thereto, and on February 18, 1904 said decision of December 26, 1902 was rescinded and said case was remanded for re-adjudication.

The evidence shows that the said William H. Meroney was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation, on February 11, 1888. That on said date the said William H. Meroney was a minor and resided with his mother in the State of North Carolina. He is duly identified on the 1894 Pay Roll of the Cherokee Nation.

It further appears that the applicant came to the Cherokee Nation in the year 1897, where he remained about one year when he left the Cherokee Nation and did not return thereto until in the month of April, 1902.

It is further shown that applicant's mother was a resident of the State of North Carolina at the date of her admission in 1888, and that she never removed to and established her residence in the Cherokee Nation; that applicant's residence in the Cherokee Nation, in the year 1897, was but temporary; and that he never removed to and in good faith established a residence therein until the year 1902.

Section 21 of the act of Congress, approved June 28, 1898 (30 Stat., 495), refers to the Cherokee Roll of 1880 and provides that this Commission:

".....shall investigate the rights of all other persons whose names are found on any other roll and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto....."

An act of the Cherokee National Council, approved December 4, 1894, provides:

That all persons who have been or may hereafter be re-admitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act or from the date of re-admission of persons hereafter re-admitted, or no rights whatever shall accrue to such persons by reason

-:2:-

of such re-admission, provided that nothing in this act shall bar minors or orphans."

It is shown by the testimony of the applicant that at the time of his said application, in 1902, he was 25 years of age and that he had remained out of the Cherokee Nation for four years after reaching his majority. It is clear that the applicant has not complied with either the letter or spirit of the Cherokee Law of December 4, 1894.

It is, therefore, the opinion of this Commission that the name of William H. Meroney appears upon the 1894 Pay Roll of the Cherokee Nation without authority of law and that the application for the enrollment of said William H. Meroney, as a citizen by blood of the Cherokee Nation, should be denied and it is so ordered.

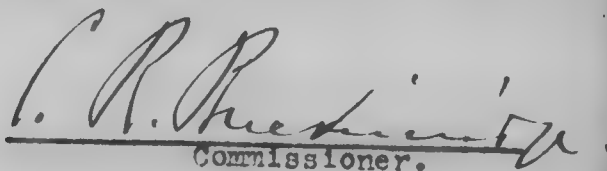
COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,
AUG -5 1904

Cherokee D-1295.

Muskogee, Indian Territory, November 25, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William H. Meroney for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc. H-140.

Cherokee D-1295.

Muskogee, Indian Territory, November 25, 1902.

William H. Heroney,

Nowata, Indian Territory.

Dear Sir:

There is herewith inclosed the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, together with the Commission's decision, dated November 20, 1902, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-138.
Register.

Cherokee D-1295.

Muskogee, Indian Territory, November 25, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of William H. Meroney for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-139.

(Copy)

Refer in reply to the following:

Land
71,264-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Dec.13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report dated November 25, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes, relative to the application of William H. Meroney for enrollment as a citizen by blood of the Cherokee Nation.

November 20, 1902, the commission held that the applicant was not entitled to enrollment as a citizen of the Cherokee Nation.

The record shows that the applicant was admitted to citizenship in the Cherokee Nation by the Cherokee authorities February 11, 1888. His name appears on the 1894 pay roll of the Cherokee Nation. The applicant did not reside in the Cherokee Nation on June 28, 1898.

The Act of Congress approved June 28, 1898, declares "No person shall be enrolled who has not removed to and in good faith settled in the nation in which he claims citizenship."

-2-

The applicant not having been a resident of the Cherokee Nation on June 28, 1898, is not entitled to enrollment and the approval of the commission's decision is recommended.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

G.A.W.

P.

D.C. #26046

DEPARTMENT OF THE INTERIOR.

BAF.

Washington.

ITD. 7717-1902.

December 26, 1902.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 25, 1902, you transmitted the record in the matter of the application for enrollment of William H. Meroney as a citizen by blood of the Cherokee Nation.

You state in your decision of November 20, 1902, that the evidence shows that applicant was admitted to Cherokee citizenship ^{on} February 11, 1888, and he is identified on the 1894 pay roll of the nation; that the applicant has not resided in Indian Territory since 1897, and you denied the application in accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495).

Forwarding the papers December 13, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

The Department affirms your decision.

Respectfully,

(signed) Thos. Ryan

Acting Secretary.

1 inclosure.

Cherokee D 1295.

Muskogee, Indian Territory, January 6, 1903.

William H. Meroney,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 26, 1902.

Respectfully,

Acting Chairman.

Cherokee D 1295.

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of William H. Meroney for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 26, 1902.

Respectfully,

Acting Chairman.

Refer in reply to
the following:

LAND
76138-1902.
59704-1903.

C O P Y .

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

Oct. 9, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

The office is in receipt of Department letter of September 17, 1903, (I.T.D. 7369), transmitting a communication from E. T. Lawson, submitting a petition for a rehearing of the Cherokee citizenship case of William H. Maroney. The office is directed to return the papers in this case, and to make such recommendation concerning the reopening thereof as it considers proper.

The attorney for the applicant contends that under the decision of the Department in the Yeargain case, the applicant is entitled to enrollment.

The record shows that the applicant was admitted to citizenship in the Cherokee Nation by the Cherokee authorities February 11, 1888. His name appears on the 1894 payroll of the Cherokee Nation. He did not reside in the Cherokee Nation on June 28, 1898, and December 13, 1902, the office recommended that the decision of the Commission adverse to him be approved, because of the fact that he did not reside in the Cherokee Nation on June 28, 1898. The Commission's decision was approved by the Department December 26, 1902 (I.T.D. 7717).

From the record it appears that the applicant lived in the Cherokee Nation from shortly after his admission in 1888 until about 1898. Under the Department's present holdings the office believes that the case should be reopened and attention is respectfully invited to Department letter of June 10, 1903, (I.T.D. 3386), in the Martha Hill case, also the opinion of the Assistant Attorney General of July 8, 1903.

The Commission to the Five Civilized Tribes requests that this case, among others, be returned to it in order that the case may be readjudicated. (See office report of October 7, 1903, Land 61254).

Very respectfully,

W. A. Jones,

Commissioner.

G.A.W.-L.C.

D C 5982-1904.

(COPY)

J.P.

I.T.D. 7717-1902.
7256-1903.

DEPARTMENT OF THE INTERIOR,

FHE

L R 8

WASHINGTON.

February 18, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On December 26, 1902, the Department affirmed your decision rejecting the application of William H. Meroney for enrollment as a citizen by blood of the Cherokee Nation.

The evidence showed that the applicant was admitted to citizenship in the Cherokee Nation February 11, 1888, and that he did not remove to the Indian Territory until 1897.

In your letter of September 21, 1903, you requested that this case, among others, be remanded for readjudication in the light of the rulings of the Department in the Yeargain case and others subsequent thereto.

A petition to reopen this case was reported on by the Commissioner of Indian Affairs in his letter of October 9, 1903, a copy of which is inclosed. It appears from this petition, and also from the testimony in the case that the applicant was about 21 years of age when he removed to the Nation in 1897, where he remained about a year, and that he was not in the Indian Territory again until a few days before the testimony in the case was taken April 30, 1902.

-2-

The decision of December 26, 1902, is hereby rescinded, and the papers in the case are inclosed herewith, for readjudication, your particular attention being called to the decision of the Department of March 25, 1903, in the case of Ora M. Camp, and to the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams.

The Nation and the applicant should be allowed to submit further testimony if desired.

Respectfully,

Thos Ryan

Acting Secretary.

4 inclosures.

C O P Y.

Office of E. B. Lawson,
Attorney at Law.

Nowata, I. T. Apr. 29th 1904.

The Com. to Five Tribes,
Muskogee, I. T.

Gentlemen;-

Replying to your favor of the 28th inst. relative to Citizen
ship case of Wm. H. Maroney, Cherokee D1295 beg to say that we have
no further evidence to offer on part of the applicant as the case
is practically made up at this time by the evidence al#-ready
introduced.

I trust that an early decision will be rendered in this
matter,

Yours very truly,

Signed. E. B. Lawson.

Cherokee R 788

Muskogee, Indian Territory, April 30, 1904.

William H. Meroney,

Nowata, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Cherokee Nation you are advised that the Commission is in receipt of Departmental letter of February 18, remanding this case. The Department's letter states that, "The Nation and the applicant should be allowed to submit further testimony if desired."

You are, therefore, hereby requested to advise the Commission at as early a date as possible whether or not you desire to introduce further testimony in support of your application.

Respectfully,

Chairman.

Cherokee R 788

Muskogee, Indian Territory, April 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In Cherokee case R 788, William H. Meroney, you are advised that the Commission is in receipt of Departmental letter of February 18, remanding this case "for readjudication in the light of the rulings of the Department in the Yeargain case and others subsequent thereto." The Department's letter states that, "The Nation and the applicant should be allowed to submit further testimony if desired."

You are, therefore, hereby requested to advise the Commission at the earliest date possible whether or not you desire to submit further testimony in this case.

Respectfully,

Chairman.

COPY.

Cherokee D-1295.

(R-786)

Muskogee, Indian Territory, August 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of February 18, 1904 (I.T.D. 7256-1903), there is herewith transmitted the record of proceedings had in the matter of the application of William H. Meroney for enrollment as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated August 5, 1904, rejecting said application.

Respectfully,

T. B. Needles.

Encl. S-43.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-1298.

(R-788)

Muskogee, Indian Territory, August 13, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dated August 5, 1904, rejecting the application of William H. Meroney for enrollment as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Encl. 8-42.

COPY

Cherokee D-1295.

(R-788)

Muskogee, Indian Territory, August 13, 1904.

E. B. Lawson,

Attorney for William H. Meroney,
Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dated August 5, 1904, rejecting the application of William H. Meroney for enrollment as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. 8-41.

Register.

COPY

Cherokee D-1295

(R-788)

Muskogee, Indian Territory, August 13, 1904.

William H. Meroney,

Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dated August 5, 1904, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, E. B. Lawson, Nowata, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. P. Neadles

Encl. S-40.

Register.

Commissioner in Charge.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply to
the following:

WASHINGTON, September 12, 1904.

Land.

56066-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 13, 1904, transmitting the record of the application for enrollment, as a Cherokee citizen by blood, of William H. Meraney.

August 5, 1904 the Commission decided adversely to the application.

The record shows that on April 30, 1902, the applicant appeared before the Commission and applied for enrollment as a citizen by blood of the Cherokee Nation.

November 20, 1902, the Commission rejected the application and the action was approved by the Department December 20, 1902.

February 18, 1904, the action of the Department was rescinded and the case remanded for readjudication.

The evidence shows that the applicant was admitted to

citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on February 11, 1888; that on said date the applicant was a minor and resided with his mother in the State of North Carolina; that the applicant came to the Cherokee Nation in the year 1897 and remained about one year, when he left and did not return until 1902.

It is further shown that the applicant's mother was a resident of the State of North Carolina at the date of her admission in 1888, and that she never removed to the Cherokee Nation; that the legal residence of the applicant was with his mother until the year 1898 when he became of age.

It appears to be established that the applicant after attaining his majority slept upon whatever rights he may have had for a period of four years, and did not permanently locate within the limits of the Cherokee Nation until 1902.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

W. A. Jones

Commissioner.

M.M.M.
W.

(C O P Y)

W.C.F.
FHE

DEPARTMENT OF THE INTERIOR,

D. C. 37739-1904. WASHINGTON. September 28, 1904.
I. T. D. 7386-1904.
J.P.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 13, 1904, you returned the record in the Cherokee enrollment case of William H. Meroney. On November 20, 1902, you rejected the applicant in said case, and your decision was approved by the Department December 20, 1902.

February 18, 1904, the Department rescinded its action in the matter, and remanded the case for readjudication, calling your attention to the decision of the Department of March 25, 1903, in the case of Ora W. Camp, and to the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams. August 5, 1904, you decided that the applicant was not entitled to enrollment.

Reporting September 12, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan.

I inclosure.

Acting Secretary.

COPY

Cherokee R 788

Muskogee, Indian Territory, October 25, 1904.

William H. Meroney,

Nowata, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 28, 1904.

Respectfully,

James D. Dyer
Chairman.

COPY.

Cherokee R 788

Muskogee, Indian Territory, October 25, 1904.

E. B. Lawson,

Attorney at Law,

Nowata, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting the application for the enrollment of William H. Meroney as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 28, 1904.

Respectfully,

Tamie D. Doby.
Chairman.

COPY.

Cherokee R 788

Muskogee, Indian Territory, October 25, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting the application for the enrollment of William H. Meroney as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 28, 1904.

Respectfully,

Tammie S. S. S.
Chairman.

Cher R 789

Cher R 789

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 13, 1902.

In the letter of the application of Sue M. Rogers to be enrolled
as a citizen of the Cherokee Nation.

Applicant represented by Thomas & Harrison, Muskogee, I. T.

The said Sue M. Rogers, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A Sue M. Rogers.
Q How old are you, Mrs. Rogers? A I am 57 years old.
Q Your postoffice address? A Muskogee.
Q You make application for enrollment as a Cherokee by blood? A
Yes, sir, by blood.
Q Do you apply for anyone besides yourself? A No, sir, myself.
Q What is the name of your father? A William Drew.
Q What is the name of your mother? A Delilah Drew.
Q Your father and mother are both dead? A Yes, sir.
Q You claim your right to enrollment as a Cherokee through your
father or through your mother? A Through both of them; through
my mother I guess.
Q Have you always resided in the Indian Territory? A No, sir, I
resided out of it when I was getting educated.
Q Have you ever made your home outside of the Indian Territory?
A Never since '67.
Q You have resided here continuously since that time? A Yes, sir.
Q Have you ever been recognized by the tribal authorities of the
Cherokee Nation as a citizen? A Yes, sir.
Q Does your name appear upon the tribal rolls? A Yes, sir.
Q Were you enrolled in 1880, Mrs. Rogers? A Yes, sir.
Q Under what name? A Sue M. Adair, Cooweescoowee District.

1880 roll, page 59, No. 28, S. M. Adair, Cooweescoowee
District.

- Q What district were you living in in 1896? A Cooweescoowee
District, enrolled as Sue M. Rogers; and on the Old Settlers Roll
as Sue M. Drew.
Q Were you enrolled as Sue M. Rogers in 1896? A I don't remember;
I believe I was.
Q That's six years ago when they were taking the census? A I
believe that's it; I went over to Tahlequah.
Q The last time you enrolled was in 1894, when they made the payment?
A No, I was over there when they was making up the roll of the
Commission in 1896, over at Tahlequah, went to Tahlequah when they
was making up the rolls for the Dawes Commission, I was over there
when they was taking the census.

1894 Roll, page 290, No. 3720, Sue M. Rogers, Cooweescoowee
District.

Applicant not identified on the Census Roll of 1896.

- Q What was the name of your husband, Mrs. Rogers? A Which one?
Q The first one? A William Penn Adair.
Q When were you married to him? A Married in December, 8th, 1868.
Q Whom did you marry after his death? A William Rogers.
Q You were only married the two times? A That's all.
Q When were you married to your husband Rogers? A First day of
September, 1889.

It appears from the records of this Commission that on the 2nd
day of May, 1901, Sue McIntosh

day of May, 1901, Sue McIntosh Rogers appeared at the offices of the Commission of Muskogee, Indian Territory, and made application for the enrollment of herself as a citizen of the Creek Nation. She was not identified on the 1890 Authenticated Roll of the Creek Nation, but was identified on the 1895 Authenticated Roll of the Creek Nation. It further appears that on the 16th day of May, 1901, the Commission rendered its decision in the matter of the application of the said Sue McIntosh Rogers, enrolling her as a citizen of the Creek Nation. It further appears that on the 20th day of January, 1902, there was transmitted the record of the proceedings in the matter of the application of the said Sue M. Rogers for the enrollment of herself as a citizen of the Creek Nation, together with the decision of the Commission, to the Secretary of the Interior for his approval, and that under date of March 5, 1902, the Commission was advised that its decision rendered in the matter of the application of the said Sue M. Rogers for enrollment as a citizen of the Creek Nation was concurred in by the Secretary of the Interior, and the Commission was directed to enroll the said party as a citizen of the Creek Nation.

It is directed that a copy of the record of the proceedings had in the matter of the application of the said Sue M. Rogers for the enrollment of herself as a citizen of the Creek Nation be filed with and made a part of the record in this case.

Sue M. Rogers applies for the enrollment of herself as a citizen by blood of the Cherokee Nation. She is duly identified on the Authenticated Roll of 1880 under the name of her former husband as S. M. Adair, and on the Strip Payment Roll of 1894 as Sue M. Rogers, Rogers being the name of her last husband. She is not identified on the Census Roll of 1896. She makes satisfactory proof as to her residence as prescribed by law. For the reason that the said Sue M. Rogers has heretofore elected to take her allotment in the Creek Nation, and for the further reason that she has been enrolled by this Commission as a citizen of the Creek Nation, and that the decision of the Commission has been approved by the Secretary of the Interior, final judgment as to her application for enrollment as a citizen of the Cherokee Nation will be suspended and her name will be placed on a doubtful card awaiting further consideration by the Commission. When the decision of the Commission is rendered the applicant will be duly notified in writing.

The attorneys for the applicant request and will be granted thirty days in which to file a brief in the case, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of May, 1902.

Philip J. Renter
Notary Public.

Information on file

At the time of the

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 13 1902

[Handwritten signature]
Special Agent

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION. >

Date 5/15/07 1900.

Name

District..... Year..... Page..... No.....

Citizen by blood..... Mother's citizenship.....

Intermarried citizen.....

Married under what law..... Date of marriage.....

License..... Certificate.....

Wife's name.....

District..... Year..... Page..... No.....

Citizen by blood..... Mother's citizenship.....

Intermarried citizen.....

Married under what law..... Date of marriage.....

License..... Certificate.....

Names of Children:

..... Dist..... Year..... Page..... No..... Age.....

..... Dist..... Year..... Page..... No..... Age.....

..... Dist..... Year..... Page..... No..... Age.....

..... Dist..... Year..... Page..... No..... Age.....

..... Dist..... Year..... Page..... No..... Age.....

..... Dist..... Year..... Page..... No..... Age.....

..... Dist..... Year..... Page..... No..... Age.....

..... Dist..... Year..... Page..... No..... Age.....

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..... Dist..... Year..... Page..... No..... Age.....

On 80 roll as S M. Adair

On 94 " P 940 No 3900

2000 Dist

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, MAY 2ND, 1901.

In the matter of the application of Sue McIntosh Rogers for enrollment as a citizen of the Creek Nation. Sue McIntosh Rogers being duly sworn, testified as follows:

Examination by the Commission.

- Q Are you a citizen of what Nation are you an applicant for enrollment?
A Creek Nation.
Q What is your name? A Sue McIntosh Rogers.
Q What is your age? A Fifty-six years old.
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes sir.
Q Does your name appear on the tribal rolls of the Creek Nation?
A Yes sir.
Q Where do you live? A In Muskogee.
Q Do you make your residence there? A Yes sir.
Q How long have you lived there? A About 12 years.
Q What is your father's name? A William Brew.
Q Is his name on any of the rolls of the Creek Nation? A No sir.
Q What was his citizenship? A He was a Cherokee Indian.
Q What is the name of your mother? A Delilah Brew.
Q Is he living? A No sir, she is dead.
Q Is her name on any of the rolls of the Creek Nation?
A Yes sir.
Q In what town in the Creek Nation did she belong? A Coweta Town.
Q How long has she been dead? A She died in 1885.
Q How long have you lived in the Indian Territory?
A Was born in the Indian Territory.
Q Have you been outside the Territory in the last three years?
A Yes sir.
Q For what purpose did you leave the Territory and how long were you absent?
A Just on short visits, in Arkansas, Texas and Missouri.
Q Does your name appear on the 1890 Authenticated roll of the Creek Nation? A No sir.

1890 Authenticated roll of the Creek Nation examined and the name of the applicant not found thereon.

- Q Does your name appear on the 1895 Authenticated roll of the Creek Nation? A Yes sir, and on the '67 roll.

1895 Authenticated roll, census roll of the Creek Nation examined and the name of the applicant found thereon at number 304.

- Q Is there any additional statement in regard to your application that you desire to make at this time? A No sir.
Q Does your name appear on the tribal rolls of any other Nation in the Indian Territory? A Yes sir.
Q What Nation? A Cherokee.

Q What rolls of the Cherokee Nation can your name be found?

A On all the rolls from the time I was born up to the last roll, and on all the rolls of the Creek Nation but the '90.

Q If it should be found that you have heretofore been recognized by the tribal authorities of both the Creek and the Cherokee Nations, as a citizen of which Nation do you now elect to be enrolled and receive allotment of lands and distribution of moneys?

A In the Creek Nation.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for enrollment as a citizen of the Creek Nation, which will be mailed to you at your present post-office address.

Lona Cummings, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all the proceedings had in the above entitled cause on the 4th day of May, A. D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Lona Cummings.

Subscribed and sworn to before me at Okmulgee, Indian Territory, this 4th day of May, 1901.

Wm. E. Eixby
Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sue McIntosh Rogers for enrollment as a citizen of the Creek Nation.

D E C I S I O N.

It appears from the record in this case that on May 2, 1901, Sue McIntosh Rogers appeared before this Commission and made application for enrollment as a citizen of the Creek Nation; that she is a recognized citizen of the Creek Nation and that her name is found upon the 1895 authenticated Creek census roll.

It also appears that said Sue McIntosh Rogers has been recognized as a citizen of the Cherokee Nation by the tribal authorities of said Nation: That she elects to be enrolled and take allotment of land and distribution of moneys in the Creek Nation.

Paragraph 8 of Section Twenty-one of the act of June 22, 1898, (30 Stats. 495) provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resides, and there be given such allotment and not elsewhere."

It is therefore the opinion of this Commission that the said Sue McIntosh Rogers should in accordance with the election made by her, be enrolled as a citizen of the Creek Nation and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,
this the 16th day of May, 1901.

Tams Bixby,
Acting Chairman.

T. B. Needles,
Commissioner.

C. R. Breckinridge
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sue M. Rogers, as a citizen by blood of the Cherokee Nation.

DECISION.

--oOo--

The record in this case shows that on May 13, 1902, Sue M. Rogers appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation.

The said Sue M. Rogers is identified on the 1880 authenticated tribal roll of the Cherokee Nation, as a native Cherokee, and on the 1894 Pay roll of said Nation.

The evidence shows that the said Sue M. Rogers was a resident of the Creek Nation at the date of the application herein, and that she has resided in Indian Territory ever since 1867. It appears that the said Sue M. Rogers is regularly listed for enrollment as a citizen of the Creek Nation; that she did on May 2, 1901, elect to take her allotment of land in the Creek Nation, and that her name was included in a partial roll of Creek citizens approved by the Honorable Secretary of the Interior, March 8, 1902.

Paragraph 8 of the Act of Congress, approved June 28, 1898 (30 Stats., 498), provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

It is, therefore, the opinion of this Commission that the application for the enrollment of Sue M. Rogers as a citizen by blood of the Cherokee Nation, should be denied, in accordance with the provisions of law above quoted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this NOV 20 1902

COPY

Muskogee, Indian Territory, January 20, 1902.

Mrs. Mae McIntosh Rogers,

Muskogee, Indian Territory.

Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for your enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles

Commissioner in Charge.

1 enclosure.
Registered.
S. M. R.

COPY

Muskogee, Indian Territory, January 20, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Sue McIntosh Rogers for enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in Charge.

Enclosure
Mc.K. & R. (35)
Registered.

COPY

Muskogee, Indian Territory, January 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Sue McIntosh Rogers for enrollment as a citizen of the Creek Nation, together with the decision of the Commission, dated May 16, 1902, enrolling said applicant as a citizen of said Nation.

Respectfully,

T.B. Needles

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.
Creek-113.

(COPY)

13892

L. R. S.
I. T. D. 1194-1902.

Department of the Interior.

Washington.

March 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the application of the McIntosh Rogers for enrollment as a citizen of the Creek Nation.

It appears that she is a recognized citizen of said nation, and that her name is found on the 1895 authenticated census roll of the Creek Nation; that she has always been recognized as a citizen of the Cherokee Nation by the tribal authorities of said nation. She elects to be enrolled and take allotment in the Creek Nation. You found that she should be enrolled as a citizen of the Creek Nation, and the Commissioner of Indian Affairs in his letter of February 15, 1902, recommends that your decision be concurred in.

The Department concurring in his recommendation, you are advised to so enroll the party.

Respectfully,

THOS. RYAN,

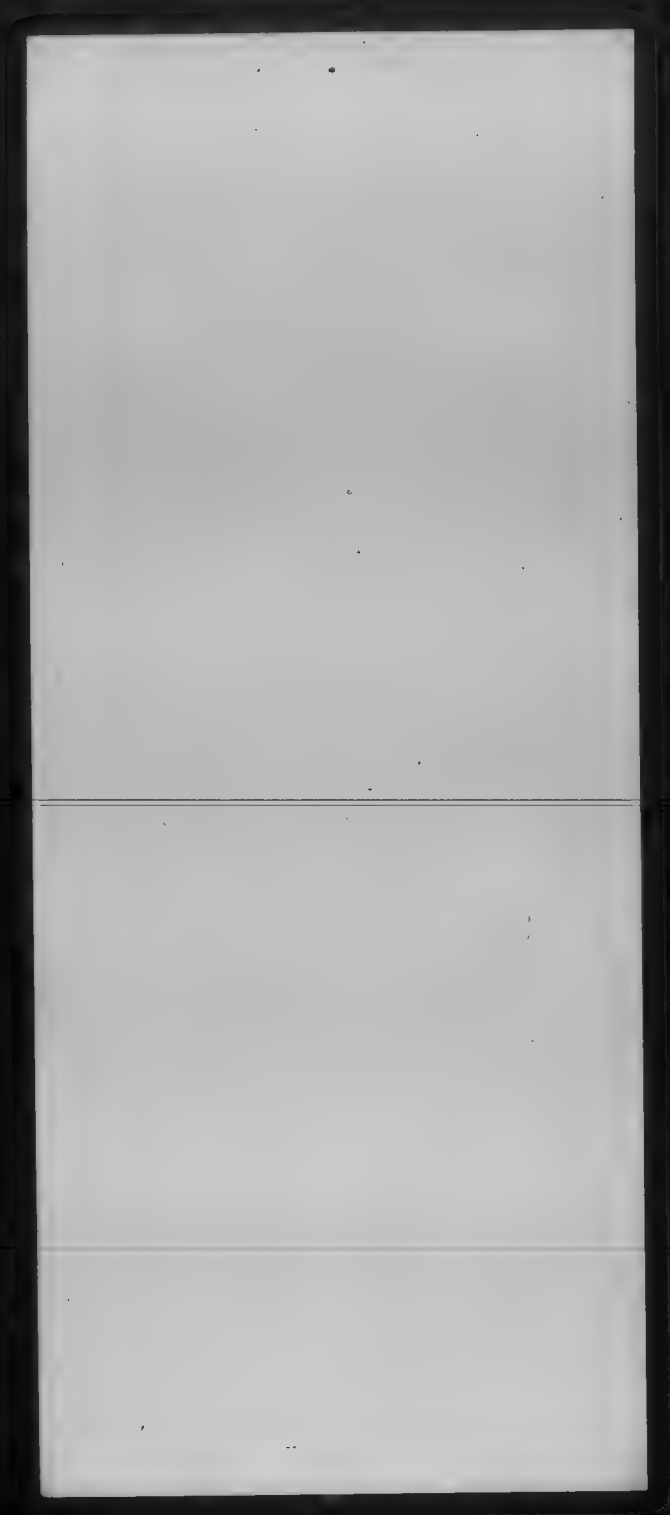
Acting Secretary.

I, Mattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie E. DeWitt

Sworn to and subscribed before me this 18th day of August, 1902.

[Signature]
Notary Public.



Murphy LT 5/29/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of Sue M. Rogers

for enrollment as a citizen of the Cherokee Nation.

Cherokee D No. 1301

Thomas K. Harrison.
Attys. for applicant

201301

RECEIVED 10 10 1901

NOV 10 1901

TO THE SECRETARY OF THE INTERIOR

WASHINGTON, D. C.

FROM THE COMMISSIONER OF THE GENERAL LAND OFFICE

RE: APPLICATION FOR A PATENT IN CONNECTION WITH THE

LANDS OF THE UNITED STATES

AND FOR A PATENT IN CONNECTION WITH THE

LANDS OF THE UNITED STATES

AND FOR A PATENT IN CONNECTION WITH THE

LANDS OF THE UNITED STATES

TO THE SECRETARY OF THE INTERIOR

WASHINGTON, D. C.

FROM THE COMMISSIONER OF THE GENERAL LAND OFFICE

RE: APPLICATION FOR A PATENT IN CONNECTION WITH THE

LANDS OF THE UNITED STATES

AND FOR A PATENT IN CONNECTION WITH THE

LANDS OF THE UNITED STATES

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek Indian Card
Field No. 2586.

Muskogee, Indian Territory, October 25, 1902.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

You are hereby advised that Susan M. Rogers, age 58 years, is regularly enrolled on Creek Indian Card, Field No. 2586; that selection of land has been made for her in the Creek Nation, and that her name is included in partial roll of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902.

It appears from the records of the Creek Enrollment Division that said Susan M. Rogers is the daughter of William Drew, a citizen of the Cherokee Nation, and Delilah Drew, deceased, a citizen of the Creek Nation.

It further appears of record that said Susan M. Rogers was admitted to enrollment as a citizen of the Creek Nation by the Commission May 16, 1901, and this decision affirmed by the Secretary of the Interior, March 5, 1902.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.
Acting Chairman.

COPY.

Cherokee D-1301.

Muskogee, Indian Territory, November 25, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Sue M. Rogers for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application.

Respectfully,

Tamie Pirby.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc. H-156.

Cherokee D-1301.

Muskogee, Indian Territory, November 25, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of Sue M. Rogers for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-155.

Cherokee D-1301.

Muskogee, Indian Territory, November 25, 1902.

Sue M. Rogers,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

There has heretofore been furnished your attorneys, Thomas & Harrison, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Dixie

Acting Chairman.

Enc. H-153.
Register.

COPY.

Cherokee D-1301.

Muskogee, Indian Territory, November 25, 1902.

Thomas & Harrison,

Attorneys for Sue M. Rogers,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of Sue M. Rogers for the enrollment of herself as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamm Dixby.

Acting Chairman.

Enc. H-154.
Register.

(Copy)

Refer in reply to the following:

Land
71,264-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Dec. 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated November 25, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes, relative to the application of Sue M. Rogers, for enrollment as a citizen by blood of the Cherokee Nation.

The record in this case shows that the applicant resided in the Cherokee Nation at the date of her application; that she has resided in the Indian Territory since 1867 and that her name appears on the partial roll of Creek citizens approved by the Department March 5, 1902.

The record also shows that on May 2, 1901, she elected to take her allotment in the Creek Nation. Section 21 of the Act approved June 28, 1898, provides that the tribes may by agreement determine the right of persons who claim citizenship in two or more tribes and authorizes the applicant having such right to elect in which tribe he will be enrolled.

This applicant having elected to be enrolled with the Creeks is not entitled to be enrolled as a Cherokee, and it is

-2-

recommended that the decision of the Commission rejecting her
~~application~~ be approved.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

(G.A.W.)

P.

D.C. #26047.

DEPARTMENT OF THE INTERIOR.

EAF.

Washington.

ITD. 7719-1902.

December 26, 1902.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 25, 1902, you transmitted the record in the matter of the application for enrollment of Sue M. Rogers as a citizen of the Cherokee Nation.

The evidence shows that applicant is identified on the 1880 authenticated tribal roll of the Cherokee Nation and on the 1894 pay roll; that she is a citizen of the Creek Nation and on May 2, 1901, she elected to take her allotment in the Creek Nation, and that she has been regularly enrolled as a citizen thereof. In conformity to paragraph 8, section 21, act of June 28, 1898 (30 Stat., 495), you denied the present application on November 20, 1902.

Forwarding the papers December 13, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

The Department affirms your decision.

Respectfully,

(signed) Thos. Ryan

Acting Secretary.

1 inclosure.

Cherokee D 1301.

Muskogee, Indian Territory, January 6, 1903.

Sue M. Rogers,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 26, 1902.

Respectfully,

Acting Chairman.

Cherokee D 1301.

Muskogee, Indian Territory, January 6, 1903.

Thomas & Harrison,
Attorneys for Sue M. Rogers,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of Sue M. Rogers for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 26, 1902.

Respectfully,

Acting Chairman.

Cherokee D 1301.

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of Sue M. Rogers for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 26, 1902.

Respectfully,

Acting Chairman.

Cher R 790

Cher R 790

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 20th, 1901.

In the matter of the application of Fendlon L. Blake for the enrollment of his wife, LOLA W. BLAKE, as a citizen of the Cherokee Nation; said Blake being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Fendlon L. Blake.
Q What is your age? A 48.
Q What is your post office address? A Pryor Creek, I. T.
Q In what district do you live? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A No, sir.
Q For whom do you apply for enrollment? A Lola W. Blake.
Q What is her age? A Fifteen.
Q What is her mother's name? A Ellen, Hill now.
Q Is that her mother that was here a while ago; she swore her name was Margaret? A Margaret that's right.
Q Are you the husband of Lola Blake? A Yes, sir.
Q When were you married? A ~~XXXXXX~~ 11th of September, past.
Q Does the name of Lola Blake appear upon any of the rolls of the Cherokee Nation? A Not as I know of.
Q What was your wife's father's name? A Charley Turner.
Q Is he living? A I don't know whether he is or not.

Tribal Rolls of citizens of the Cherokee Nation examined and applicant's wife's name not found thereon.

Fendlon L. Blake applies for the enrollment of his wife, Lola W. Blake. He avers that she is the daughter of Margaret E. Hill by her first husband, one Turner, and that her maiden name was Lola W. Turner, 15 years of age. Her name is not found upon any of the authenticated rolls of the Cherokee Nation; but by reason of the fact that she is averred to be the daughter of Margaret E. Hill, and the name of Margaret E. Hill has just been placed upon a doubtful card, final judgment as to the enrollment of said Lola W. Blake will be suspended and her name will be placed upon a doubtful card.

Applicant presents duly authenticated marriage license and marriage certificate certifying that he was married to Miss Lola Turner on the 10th day of September, 1900.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of March, 1901.



Commissioner.

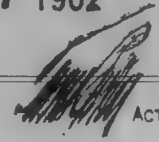
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 20 1907

1150

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 27 1902



ACTING CHAIRMAN

Supl.-C.D.#1150.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

SUPPLEMENTAL in the matter of the enrollment of LOLA W. BLAKE
as a citizen of the Cherokee Nation.

The applicant was notified by registered letter March 1,
1902, that her application for the enrollment of herself as a
citizen of the Cherokee Nation would be taken up for final
consideration by the Commission at its offices in Muskogee,
Indian Territory on the 20th day of March, 1902. This appli-
cant has this day, to-wit: the 20th day of March, 1902, been
called and fails to appear either in person or by attorney.

Commission: The following appears of record in the files
of the Commission for the year 1896.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)
NORTHERN JUDICIAL DIVISION.)

To the Dawes Commission.

Gentlemen:--I, the undersigned, hereby make application
to your Hon. body to place me and my children on the authenticated
rolls of the Nation as Cherokee Indians by blood, as being the
descendants of Mrs. Margaret Allison, a Cherokee Indian by blood
and who was readmitted to all the rights of Cherokee Citizenship
under an Act of the Cherokee National Council approved December 8,
1894.

Names	Relation to M. Allison	Age.
Margaret E. Turner,	Daughter of M. Allison,	24.
Lola W. Turner,	Grand-daughter of M.Allison,	10
Alice I. Turner,	Grand-daughter of M.Allison,	2.

(Signed) Mrs. Margaret E. Turner.

Indian Territory,)
Northern District.)

Sworn to and subscribed before me this 29 day of Aug, 1896.

(Signed) D. I. Elliott,
Notary Public.

(SEAL)

-----o-----

The following entry is found in Dawes Commission Docket
"B" on page 415, of applications heard in accordance with the
Act of Congress approved June 10, 1896 for admission to citi-
zenship in the Cherokee Nation:

Mrs. Margaret E. Turner,)
Samuel W. Allison,)
George A. Allison,)
Ida B. Allison,)
Elmer C. Allison,)
Jasper Allison,)

John Allison, et al.

vs.

Cherokee Nation.

Filed September 8, 1896. Answer filed. Applications denied, Fort Smith, Arkansas, November 24, 1896.

Commission: The record in this case is now deemed completed and the same will be reported to the Commission for final decision based upon the evidence now of record.

---ooo000ooo---

I, J. O. Rosson, do hereby certify that as Stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

(COPY)

Cherokee R-790

MARRIAGE LICENSE.

Cherokee D-1150

United States of America,)
 Indian Territory,) ss.
 Northern District.)

No. 1885

To any person authorized by law to solemnize Marriage---Greeting:

You are hereby Commanded to solemnize the rite and publish the Banns of Matrimony between Mr. Fenton L. Blake of Pryor Creek, in the Indian Territory, aged 47 years, and Miss LLola Turner, of Pryor Creek, in the Indian Territory, aged 15 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal at Wagoner, Indian Territory, this 10 day of September, A. D. 1900.

Chas A. Davidson,
 Clerk of the U. S. Court.

By R. C. Hunter, Deputy.

((SEAL)))

Certificate of Marriage.

United States of America,)
 Indian Territory,) ss
 Northern District.)

I, W. N. Dodson, a Minister of the Gospel, do hereby certify, that on the 11th day of September, A. D. 1900, I did duly and according to law as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 12th day of September, A. D. 1900.

W. N. Dodson,
 A Minister of the Gospel.

-----o-----

CERTIFICATE OF RECORD.

United States of America,)
 Indian Territory,) ss.
 Northern District.)

I, Charles A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 4 day of October 1900, at ---M., and duly recorded in Book J, Marriage Record, Page 16.

Witness my hand and seal of said Court at Muskogee, in said Territory, this 13th day of November, A. D. 1900.

-----o-----

Chas. A. Davidson, Clerk.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I. T., February 19, 1903.

I, the Undersigned, Chief Clerk Cherokee Land Office, and custodian of the records of said Land Office, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the said Cherokee Land Office.


Chief Clerk Cherokee Land Office.

Subscribed and sworn to before me this the 19 day of February, 1903.


Notary Public.

aad
CP

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret E. Hill, et al.
for enrollment as citizens of the Cherokee Nation, consolidating
the applications of,

Margaret E. Hill, Cherokee D 1149
Lola W. Blake, " D 1150

D E C I S I O N.

--oOo--

The record in this case shows that on March 20, 1901, Margaret E. Hill appeared before the Commission at Muskogee, Indian Territory, and made application for her enrollment as a citizen of the Cherokee Nation.

At the same time and place Fendlon L. Blake appeared before the Commission and made application for the enrollment of his wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of these applications at Muskogee, Indian Territory, on March 20, 1902.

The evidence in this case shows that the said Margaret E. Hill and the said Lola W. Blake, the daughter of Margaret E. Hill, are not identified upon any of the tribal rolls of the Cherokee Nation. From an examination of the records of the Cherokee Nation, in the possession of this Commission, it does not appear that the applicants or either of them have been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation.

It further appears from the evidence, and from the records of the Commission to the Five Civilized Tribes that the said Margaret E. Hill, under her former name of Margaret E. Turner, made application on September 8, 1896, to the Commission to the Five Civilized Tribes, for admission to Cherokee citizenship, under the Act of Congress, June 10, 1896. The said Lola W. Blake, under the name of Lola W. Turner was also included in such application. It further appears that such application was denied on November 24, 1896, and there is no record of an appeal having been taken from such decision in conformity with the Act of Congress above quoted.

The Act of Congress approved May 31, 1900, provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any person for enrollment as a member of any Tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Margaret E. Hill and Lola W. Blake are not citizens of the Cherokee Nation,

and duly and lawfully enrolled or admitted as such; and that pursuant to the provisions of law above quoted this Commission is without authority to receive, consider or make any record of their applications for enrollment as citizens of the Cherokee Nation.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

"(signed)"	Tams Bixby. Acting Chairman.
(signed)	T. B. Needles. Commissioner.
(signed)	C. R. Breckinridge. Commissioner.

Dated at Muskogee, I. T.
this Oct. 26, 1902.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 28, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the Office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 28th day of October, 1902.

Notary Public.

MAK I

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Cherokee D-1150

Muskogee, Indian Territory, March 1, 1902.

Mr. Fendlon L. Blake,

Pryor Creek, Indian Territory,

Sir:-

You are hereby notified that the application of **Lola W. Blake**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 20, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

Acting Chairman.
~~XXXXXXXXXX~~
Commissioner in Charge.

COPY.

Cherokee D - 1150,

Muskogee, Indian Territory, October 28, 1902.

Fendlen L. Blake,

Pryor Creek, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of the proceedings had in the matter of your application for the enrollment of your wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commission, dated October 27, 1902, rejecting your said application.

The decision, with the record of the proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Jane Bixby.
Acting Chairman.

Enclosure C. No. 26.

Register.

(copy)

Cherokee D - 1149.
Cherokee D - 1150.

Muskogee, Indian Territory, October 28, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, rejecting the application of Margaret E. Hill for the enrollment of herself, and the application of Fendlon L. Blake for the enrollment of his wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation.

The decision, with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,
(signed) Tams Bixby,
Acting Chairman.

Enclosure C. No. 27.

(copy)

Cherokee D - 1149.
Cherokee D - 1150.

Muskogee, Indian Territory, October 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings had in the matter of the application of Margaret E. Hill, et al, for enrollment as Cherokee citizens, consolidating the application of Margaret E. Hill for the enrollment of herself as a citizen by blood and the application of Fendlen L. Blake for the enrollment of his wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated October 27, 1902, rejecting said application.

Respectfully,

(signed) Tams Bixby,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure C. No. 28.

COPY.

Refer in reply to
the following:
Land
66030-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Dec. 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Margaret E. Hill for enrollment as a citizen of the Cherokee Nation; also the record and proceedings had before the Commission in the matter of the application of Feldlon L. Blake for the enrollment of his wife, Lola W. Blake, as a citizen of the Cherokee Nation.

On October 27, 1902, the commission rendered a decision in these cases holding that it is without authority to receive, consider or make any record of their applications for enrollment as citizens of the Cherokee Nation under the record facts which are fully set out in said decision, as follows:

"The record in this case shows that on March 20, 1901, Margaret E. Hill appeared before the Commission at Muskogee, Indian Territory, and made application for her enrollment as a citizen of the Cherokee Nation.

At the same time and place Fenelon L. Blake appeared before the Commission and made application for the enrollment of his wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation.

Further proceedings were had in the matter of these applications at Muskogee, Indian Territory, on March 20, 1902.

The evidence in this case shows that the said Margaret E. Hill and the said Lola W. Blake, the daughter of Margaret E. Hill, are not identified upon any of the tribal rolls of the Cherokee Nation. From an examination of the records of the Cherokee Nation, in the possession of this Commission, it does not appear that the applicants or either of them have ever been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation.

~~It further appears from the evidence, and from the records of~~ the Commission to the Five Civilized Tribes that the said Margaret E. Hill, under her former name of Margaret E. Turner, made application on September 8, 1896, to the Commission to the Five Civilized Tribes, for admission to Cherokee citizenship under the Act of Congress, June 10, 1896. The said Lola W. Blake, under the name of Lola W. Turner, was also included in such application. It further appears that such application was denied on November 24, 1896, and there is no record of an appeal having been taken from such decision in conformity with the Act of Congress above quoted.

The Act of Congress approved May 31, 1900, provides:

'That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not, receive, consider or make any record of any person for enrollment as a member of any Tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.'

It is, therefore, the opinion of this Commission that

Margaret E. Hill and Lola W. Blake are not citizens of the Cherokee Nation, and duly and lawfully enrolled or admitted as such; and that pursuant to the provisions of the law above quoted this Commission is without authority to receive, consider or make any record of their applications for enrollment as citizens of the Cherokee Nation."

A review of the record evidence by the office shows that said decision is clearly supported thereby, and it is therefore recommended that the same be approved and affirmed by the Department.

Very respectfully, •

W. A. Jones,

Commissioner.

(W.C.B.)

P.

Vinita, Indian Territory, January 7, 1903.

Fenslon L. Blake,

Melvin, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of December 29, stating that your present postoffice address is Kelvin, Indian Territory, and requesting that a registered letter which you are informed was sent to you at Pryor Creek and returned unclaimed, be forwarded to you at that place.

This has been done.

Respectfully,

Acting Chairman.

R.P.

D.C. 924-1903.

DEPARTMENT OF THE INTERIOR.

EAF.

ITD.7986-1902.

Washington, January 7, 1903.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

October 28, 1902, you transmitted the records in the matter of the applications for enrollment of Margaret E. Hill (D 1149) and Lola W. Blake (D 1150) as citizens of the Cherokee Nation.

The evidence shows that neither of the applicants is identified on any tribal roll of the nation, nor has either been admitted to citizenship therein; that acting under the act of June 10, 1896 (20 Stat., 321), the Commission denied the application of these parties under the names of Margaret E. Turner and Lola W. Turner, respectively, and that no appeal was taken from that decision. In accordance with the act of May 31, 1900, you held October 27, 1902, that you are without authority to receive, consider or make any record of this application.

Forwarding the papers December 30, 1902, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY

Cherokee D-1150.

Muskogee, Indian Territory, January 16, 1903.

Fenelon L. Blake,

Pryor Creek, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 27, 1902, rejecting your application for the enrollment of your wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 7, 1903.

Respectfully,

James D. Dyer
Acting Chairman.

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Cherokee D-1129.
Cherokee D-1150.

Muskogee, Indian Territory, January 16, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 27, 1902, rejecting the application of Margaret E. Hill for the enrollment of herself, and the application of Fenelon L. Blake for the enrollment of his wife, Lola W. Blake, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 7, 1903.

Respectfully,

Tamm Dixon

Acting Chairman.

Cherokee R-790

Muskogee, Indian Territory, February 24, 1903.

Fenelon J. Blake,

Pryor Creek, Indian Territory.

Dear Sir:

When you applied to this Commission for the enrollment of your wife, Lola W. Blake, as a citizen by intermarriage of the Cherokee Nation, you filed with that application a marriage license and certificate showing your marriage on September 10, 1900, to Miss Lola Turner.

The same is herewith returned to you a copy having been made and retained in the Commission's files.

Respectfully,

Chairman.

Encl-S-26

GRS

790

(105)

Department of the Interior.
Commission to the Five Civilized Tribes.

In the Matter of the Allotment of the Lands

Jola W. Black.

DENIED

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JAN 1907

790

*Transferred from [unclear]
to -1150 see [unclear] 9091,*

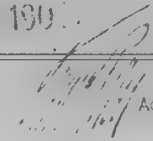
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 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., MARCH 20th, 1901.

In the matter of the application of Margaret E. Hill for enrollment as a citizen of the Cherokee Nation; said Hill being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Margaret E. Hill.
Q What is your age, Mrs. Hill? A 29.
Q What is your post office address? A Chouteau.
Q What district do you live in? A I just could not tell you, we just moved there. (Cooweescoowee)
Q Who do you desire to have enrolled? A Myself and I have just one daughter, she is married.
Q You apply then for yourself only? A Yes, sir.
Q Are you a recognized citizen of the Cherokee Nation? A I could not tell you hardly.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A No, sir.
Q Have you ever been admitted to Cherokee citizenship by the constituted authorities of the Cherokee Nation? A No, sir; not that I know of.
Q Have you ever applied for enrollment in any other tribe or Nation except the Cherokees? A No, sir.
Q How long have you lived in the Cherokee Nation? A We moved here in '93.
Q Did you apply to be admitted to citizenship in 1896, under the Act of July 10th? A We put in, I give my claim to my mother and my name was put in in '93.

Tribal Rolls of citizens of the Cherokee Nation examined and applicant's name not found thereon.

- Q Are you married? A Yes, sir.
Q What was your name before you married? A Turner was my name.
Q Was that your maiden name? A No, sir; Allison was my maiden name, I have been married twice.
Q What is the name of your father? A William Allison.
Q Is he living? A No, sir.
Q What is the name of your mother? A Margaret Allison.
Q Is she living? A No, sir.
Q Have you any certificate of admission? A Only my mother.
Q Have you that certificate? A It is here I think.
Q Where were you born? A In California.
Q When did you remove to the Cherokee Nation? A In the Fall of '93.
Q Have you been living here continuously since that time? A Yes, sir.
Q How old were you in '94, in what year were you born? A '72.
Q What was your first husband's name? A Charles Turner.
Q Then in 1896 your name was Margaret E. Turner? A Yes, sir.
Q You applied in 1896 and were rejected? (No response.)

Com'r Needles:--Upon examination of the records of this Commission it is found that in Docket B. page 415, case #5408, that Miss Margaret E. Turner and others applied to be admitted to Cherokee citizenship and that her application was denied by the Commission and no appeal was taken.

Com'r Needles:--Comes the Cherokee Nation by Mr. Baugh, and avers that the application referred to in Case #5408, is not an application for admission to citizenship, but is only an application to be enrolled.

Margaret E. Hill--2.

Q. Have you lived in the Cherokee Nation continuously since 1893?
A. Yes, sir.

Com'r Needles:--The name of Margaret E. Hill is not found upon any authenticated roll of the Cherokee Nation in the possession of this Commission. Reference is made in the testimony as to her application for enrollment as a citizen in the year 1896. The records of the Cherokee Nation are examined and it is found that her mother, Margaret Allison, was re-admitted by the Cherokee Council on the 8th day of December, 1894. No record is found of the admission of the applicant, Margaret E. Hill. The evidence shows that she was an adult at the time of the admission of her mother. She avers that her maiden name was Margaret E. Allison, she afterwards married one Charles Turner, (Q. Is he dead? A. No, sir; Q. Are you divorced from him? A. Yes sir.), from whom she is divorced, and her present husband is one Robert Hill.

By reason of the fact that her mother's name is found upon the rolls of the Cherokee Nation and the averment of Mr. Baugh, who is an Attorney for the said Margaret E. Turner in her application before the Dawes Commission in 1896, final judgment as to the enrollment of said Margaret E. Hill will be suspended and her name will be placed upon a doubtful card.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 20th day of March, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 20 1901



ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

Leos.
CHEROKEES BY BLOOD AND ADOPTION.

Date *March 20* 1900.

Christian L.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

29
Wife's name

Margaret E. Hill

District

Year

Page

No.

Citizen by blood

yes

Mother's citizenship

Intermarried citizen

no

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

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Age

*No. 1. application for admission denied
by Law Commission 1896.*

1149

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 27 1902

ACTING CHAIRMAN

Supl.-C.D.#1149.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARGARET E. HILL as a citizen of the Cherokee Nation.

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902. Receipt has been acknowledged of Commission's letter. The applicant has this day, to-wit: the 20th day of March, 1902, been called and fails to respond either in person or by attorney.

The following application was filed with the Commission under the provisions of the Act of Congress approved June 10, 1896, by Mrs. Margaret E. Turner:

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS.
NORTHERN JUDICIAL DIVISION.)

To the Dawes Commission.

Gentlemen:--I, the undersigned, hereby make application to your Hon. body to place me and my children on the authenticated rolls of the Nation as Cherokee Indians by blood, as being the descendants of Mrs. Margaret Allison, a Cherokee Indian by blood and who was readmitted to all the rights of Cherokee Citizenship under an Act of the Cherokee National Council approved December 8, 1894.

Names.	Relation to M. Allison.	Age.
Margaret E. Turner,	Daughter of M. Allison,	24
Lola W. Turner,	Grand-daughter of M. Allison,	10.
Alice I. Turner,	Grand-daughter of M. Allison,	2.

(Signed) Mrs. Margaret E. Turner.

Indian Territory,)
Northern District.)

Sworn to and subscribed before me this 29 day of Aug., 1896.

(Signed) D. I. Elliott,
Notary Public.

(SEAL)

-----0-----

The following entry is found in Dawes Commission Docket 5B on page 418, of applications heard in accordance with the Act of Congress approved June 10, 1896, for admission to citizenship in the Cherokee Nation:

Mrs. Margaret E. Turner,)
Samuel W. Allison,)
George A. Allison,)
Ida B. Allison,)
Elmer C Allison,)
Jasper Allison)
John Allison, et al.)
vs.)
Cherokee Nation.)

Filed September 8, 1896. Answer filed. Applications denied, Fort Smith, Arkansas, November 24, 1896.

Commission: The record in this case is now deemed completed and the case will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

C.A.D. for

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret E. Hill, et. al. for enrollment as citizens of the Cherokee Nation, consolidating the applications of,

Margaret E. Hill, Cherokee D 1149
Lola W. Blake, " D 1150

D E C I S I O N .

--oOo--

The record in this case shows that on March 20, 1901, Margaret E. Hill appeared before the Commission at Muskogee, Indian Territory, and made application for her enrollment as a citizen of the Cherokee Nation.

At the same time and place Pendlen L. Blake appeared before the Commission and made application for the enrollment of his wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of these applications at Muskogee, Indian Territory, on March 20, 1902.

The evidence in this case shows that the said Margaret E. Hill and the said Lola W. Blake, the daughter of Margaret E. Hill, are not identified upon any of the tribal rolls of the Cherokee Nation. From an examination of the records of the Cherokee Nation, in the possession of this Commission, it does not appear that the applicants or either of them have been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation.

It further appears from the evidence, and from the records of the Commission to the Five Civilized Tribes that the said Margaret E. Hill, under her former name of Margaret E. Turner, made application on September 8, 1896, to the Commission to the Five Civilized Tribes, for admission to Cherokee citizenship, under the Act of Congress, June 10, 1896. The said Lola W. Blake, under the name of Lola W. Turner was also included in such application. It further appears that such application was denied on November 24, 1896, and there is no record of an appeal having been taken from such decision in conformity with the Act of Congress above quoted.

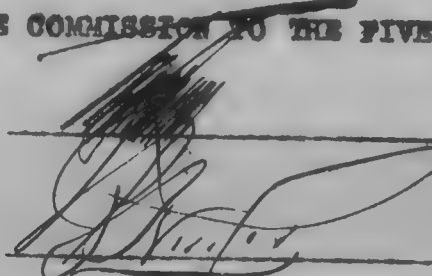


The Act of Congress approved May 31, 1900, provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any person for enrollment as a member of any Tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Margaret E. Hill and Lola W. Blake are not citizens of the Cherokee Nation,

and duly and lawfully enrolled or admitted as such; and that pursuant to the provisions of law above quoted this Commission is without authority to receive, consider or make any record of their applications for enrollment as citizens of the Cherokee Nation.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.

this OCT 26 1902

9.

D 1149

RECEIVED
MAR 1 1902

[Handwritten signature]

NOTING CLERK

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

CherokeeD-1149

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1902.

Mrs. Margaret E. Hill,

Chouteau, Indian Territory,

Madam:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 20, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application. **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

Acting Chairman.
~~XXXXXXXXXX~~
Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. Cherokee D-1149

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, March 20, 1902.

Mrs. Margaret E. Hill,
Checotah, Indian Territory,

Dear Madam:-

The Commission is in receipt of your letter of March 15, stating that you have no new evidence in the matter of your application for enrollment as a citizen of the Cherokee Nation and will not appear on the date set for the final hearing of same.

Your letter has been duly noted and filed.

Yours truly,

C. R. Breckinridge

Commissioner in Charge.

Cherokee D - 1149.

Cherokee D - 1150.

COPY

Muskogee, Indian Territory, October 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings had in the matter of the application of Margaret E. Hill, et al, for enrollment as Cherokee citizens, consolidating the application of Margaret E. Hill for the enrollment of herself as a citizen by blood and the application of Fendlon L. Blake for the enrollment of his wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated October 27, 1902, respecting said application.

Respectfully,

Iame Dixey.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure C. No. 28.

COPY.

Cherokee D - 1149.

Muskogee, Indian Territory, October 28, 1902.

Margaret B. Hill,

Chouteau, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of the proceedings had in the matter of the application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision rejecting, among others, your said application.

The decision with the record of the proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Jane Bixby
Acting Chairman.

Enclosure C. No. 25.

Register.

Cherokee D - 1149.

Cherokee D - 1150.

COPY.

Muskogee, Indian Territory, October 28, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, rejecting the application of Margaret M. Hill for the enrollment of herself, and the application of Fendlen L. Blake for the enrollment of his wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation.

The decision, with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Jamm D. D. D.
Acting Chairman.

Enclosure C. No. 27.

COPY.

Refer in reply to
the following:

Land
66030-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Dec. 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Margaret E. Hill for enrollment as a citizen of the Cherokee Nation; also the record and proceedings had before the Commission in the matter of the application of Fendlon L. Blake for the enrollment of his wife, Lola W. Blake, as a citizen of the Cherokee Nation.

On October 27, 1902, the commission rendered a decision in these cases holding that it is without authority to receive, consider or make any record of their applications for enrollment as citizens of the Cherokee Nation under the record facts which are fully set out in said decision, as follows:

"The record in this case shows that on March 20, 1901, Margaret E. Hill appeared before the Commission at Muskogee, Indian Territory, and made application for her enrollment as a citizen of the Cherokee Nation.

At the same time and place Fendlon L. Blake appeared before the Commission and made application for the enrollment of his wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation.

Further proceedings were had in the matter of these applications at Muskogee, Indian Territory, on March 20, 1902.

The evidence in this case shows that the said Margaret E. Hill and the said Lola W. Blake, the daughter of Margaret E. Hill, are not identified upon any of the tribal rolls of the Cherokee Nation. From an examination of the records of the Cherokee Nation, in the possession of this Commission, it does not appear that the applicants or either of them have ever been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation.

It further appears from the evidence, and from the records of the Commission to the Five Civilized Tribes that the said Margaret E. Hill, under her former name of Margaret E. Turner, made application on September 8, 1896, to the Commission to the Five Civilized Tribes, for admission to Cherokee citizenship under the Act of Congress, June 10, 1896. The said Lola W. Blake, under the name of Lola W. Turner was also included in such application. It further appears that such application was denied on November 24, 1896, and there is no record of an appeal having been taken from such decision in conformity with the Act of Congress above quoted.

The Act of Congress approved May 31, 1900, provides:

'That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any person for enrollment as a member of any Tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.'

It is, therefore, the opinion of this Commission that

-3-

Margaret E. Hill and Lola W. Blake are not citizens of the Cherokee Nation, and duly and lawfully enrolled or admitted as such; and that pursuant to the provisions of the law above quoted this Commission is without authority to receive, consider or make any record of their applications for enrollment as citizens of the Cherokee Nation."

A review of the record evidence by the office shows that said decision is clearly supported thereby, and it is therefore recommended that the same be approved and affirmed by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

(W.C.B.)

P.

D.C 924-1903.

DEPARTMENT OF THE INTERIOR.

EAF.

ITD.7986-1902.

Washington, January 7, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 28, 1902, you transmitted the records in the matter of the applications for enrollment of Margaret E. Hill (D 1149) and Lola W. Blake (D 1150) as citizens of the Cherokee Nation.

The evidence shows that neither of the applicants is identified on any tribal roll of the nation, nor has either been admitted to citizenship therein; that acting under the act of June 10, 1896, (20 Stat., 321), the Commission denied the application of these parties under the names of Margaret E. Turner and Lola W. Turner, respectively, and that no appeal was taken from that decision. In accordance with the act of May 31, 1900, you held October 27, 1902, that you are without authority to receive, consider or make any record of this application.

Forwarding the papers December 30, 1902, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY..

Cherokee D-1149.

Muskogee, Indian Territory, January 16, 1903.

Margaret E. Hill,

Chouteau, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated October 27, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 7, 1903.

Respectfully,

Acting Chairman.

OO.

Cherokee D-1149.
Cherokee D-1150.

Muskogee, Indian Territory, January 16, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 27, 1902, rejecting the application of Margaret E. Hill for the enrollment of herself, and the application of Fenelon L. Blake for the enrollment of his wife, Lola W. Blake, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 7, 1903.

Respectfully,

Thomas C. Hartley,
Acting Chairman.

Cherokee
R 791

Muskogee, Indian Territory, August 10, 1906

Margaret E. Hill,
Fawn, Indian Territory.

Dear Madam:

Your letter of May 21, 1906, in connection with your Cherokee enrollment case, and in which you refer to the provisions of the "Curtis Bill," and ask relative to securing a rehearing, has been received.

The records of this office show that on March 20, 1901, you made application to the Commission to the Five civilized Tribes for enrollment as a citizen by blood of the Cherokee Nation, that your application was denied by the Commission and that its action was approved by the Secretary of the Interior January 7, 1903.

The Act of Congress approved April 26, 1906 (Public No. 129), in part provides:

"...and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Com-

Margaret E. Hill-2

missioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act:..."

The record in your application for enrollment shows that you applied to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation, under the provisions of the Act of Congress approved June 10, 1896, that your application was denied by the Commission and that no appeal was taken therefrom. Your name can not be identified on any of the tribal rolls of the Cherokee Nation in the possession of this office, and no record can be found of your ever having been admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof.

Your letter does not meet the usual requirements of motions for review or rehearing, and sufficient reason is not given to warrant this office in recommending to the Department that a rehearing be granted you, or that a review of your case be granted.

You are advised that you will be allowed twenty

Margaret E. Hill--3

days from the date hereof within which to file with this office such motion as you desire for a rehearing or for a review of your case.

The Act of Congress approved May 31, 1900 (31 Stat., 221), provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

It appears, therefore, that unless it can be shown that the Commission to the Five Civilized Tribes was without authority to act on your application for admission to citizenship in 1896 and that you have been enrolled or recognized as a citizen of the Cherokee Nation, the Department has no authority to further consider your case.

Respectfully,

L M B

Commissioner

Cherokee
R 791

Muskogee, Indian Territory, August 13, 1906

W. W. Hastings,
Attorney for Cherokee nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed for your information a copy of a letter received from Mrs. M. E. (Margaret E.) Hill. This letter has been treated as a motion for a rehearing in her case, and she was, on August 10, 1906, advised that she would be given twenty days from that date within which to file with this office a proper motion for rehearing. The applicant was further advised that she would be required to show proof of service upon the attorney for the Cherokee Nation, of all papers filed in connection with said motion.

Respectfully,

L M B

Commissioner

Encl. B-32

this May the 21 1906

to the comissioner of the five civilised tribes greeting Kind sir
after reading and considering the Curtis Bill as past By the
congress of the united states now in session and send by the
President

seeing first

that i am permitted to renew my claim to citizenship
in Cherokee nation I was Debarred because i was not on the 1880
rolls my ancestors being on all previous Rolls

kind Sir please inform me if i can proceed with my Claim
i was Not Denied being Cherokee By Blood but was not on the
1880 rolls

Please address me at Fawn post office I.T.

Mrs. M. E. Hill.

Muskogee, Indian Territory, October 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a letter from Mrs. M. H. Hill of Fawn, Indian Territory, dated May 21, 1906, relative to a re-hearing in her Cherokee Enrollment Case under the provisions of the Act of Congress approved April 26, 1906, (34 Stat., 137). This letter was received at this office May 22, 1906.

The application of this applicant under the name of Margaret F. Hill was denied by the Commission to the Five Civilized Tribes October 27, 1902, under the provisions of the Act of Congress approved May 31, 1900, (31 Stat., 221), and its action was approved by the Secretary of the Interior January 7, 1903, (I. T. D. 7986-1902).

On August 10, 1906, this office, referring to the enclosed letter advised Mrs. Hill as to the status of her case; the law with reference to the filing of motions to reopen citizenship cases; that her letter did not meet the usual requirements of motions for review or re-hearing, and that sufficient information was not contained in her letter to warrant this office in recommending to the Department that a reconsideration of her case be granted.

Sec. of Int-----2

She was also advised that she would be allowed twenty days from date within which to furnish additional information as to why a reconsideration should be had in her case. The applicant has failed to respond to this office letter, and it is respectfully recommended that the request contained in her letter for a reconsideration of her case be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

MC

Land.
92812-1906.
D.C.2556-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

(COPY)

WASHINGTON

November 9, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letter of January 7, 1905,

(I.T.D. 7986-1902) affirming the decision of the Commission to the Five Civilized Tribes denying the enrollment of Margaret E. Hill and Lola W. Blake as citizens of the Cherokee Nation, I now have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated October 17, 1906, enclosing a letter from Mrs. Margaret E. Hill, of Fawn, I.T., dated May 21, 1906, relative to a re-hearing in her Cherokee enrollment case under the provisions of the Act of Congress approved April 26, 1906, (34 Stat. 137) which was received in the Commissioner's office on May 22, 1906.

The Commissioner reports that on August 10, 1906, he advised Mrs. Hill as to the status of her case, the law with reference to the filing of motions to re-open such cases, and informed her that her letter did not meet the requirements of motions for a re-hearing and allowed her 20 days from that date within which to furnish additional information as to why reconsideration in her case should be had. She has failed to avail herself of this

-2-

opportunity of filing a proper motion or furnishing the information required.

The Office therefore concurs in the recommendation of the Commissioner that the request for reconsideration be denied.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

EWE--SD

J.J.Jr.

DEPARTMENT OF THE INTERIOR, IIB
WASHINGTON.

I.T.D.22724-1906.
D.C.2556-1907.

January 9, 1907.

I.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On November 9, 1906 (land 92812), the Indian Office transmitted your report dated October 17, 1906, in the matter of a letter from Mrs M. E. Hill, of Fawn, Ind. T., dated May 21, 1906, requesting a rehearing in her Cherokee enrollment case under the provisions of the act of Congress approved April 26, 1906 (34 Stat., 137).

It appears that on August 10, 1906, you advised Mrs. Hill of the status of her case and also that her letter did not meet the usual requirements of motions for review and rehearing. You informed her that she would be allowed twenty days from date within which to furnish additional information as to why a reconsideration should be had in her case. As the applicant has failed to respond to your letter, you recommend that the request contained in her said letter of May 21, 1906, for a reconsideration of her case be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

-2-

Your action in the matter is considered correct and the request of Mrs. Hill for a reconsideration of her case is hereby denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan.

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

1 inc. and 7 to Ind. Of.

Cherokee
R 791.

Muskogee, Indian Territory, January 18, 1907.

Margaret E. Hill,

Fawn, Indian Territory.

Dear Madam:

You are hereby advised that your request for a rehearing in your Cherokee enrollment case was denied by the Department January 9, 1907. For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-47.
HJC.

Commissioner.

Cherokee
R 791

Muskogee, Indian Territory, January 18, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the request of Margaret
B. Hill for a rehearing in her Cherokee enrollment case was
denied by the Secretary of the Interior January 9, 1907.

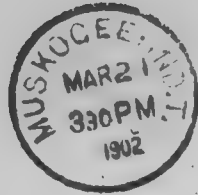
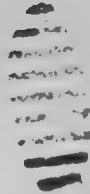
For your information there is enclosed a copy of
Departmental decision referred to.

Respectfully,

Encl. HJ-46.
HJC

Commissioner.

Chouteau, Indian Territory,



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

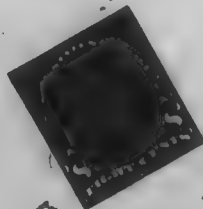
Penalty for private use, \$300.

Unknown

Mrs Margaret E. Hill
Checotah
Ind. Ter.



No
Key



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

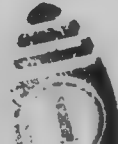
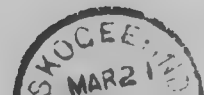
OFFICIAL BUSINESS.

Penalty for private use, \$300.

Margaret Hill
Return to
Muskegon
Michigan
2271

Margaret M. Hill,

Chouteau, Indian Territory,



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

CHIEF

R-791

Department of the Interior.
Commission to the Five Civilized Tribes.

Margaret E. Hill.

DENIED
ACTION APPROVED BY
SECRETARY OF INTERIOR.

791

JAN 7 1903

*Transferred from Cherokee -
D-1149 See Cherokee*

*9091, 9094, 9095
R-790, D-1084*

Cher R 792

Cher R 792

Department of the Interior,
Commission to the Five Civilized Tribes,
Westville, I. T., July 20, 1900.

In the matter of the application of Martin H. Bradford for enrollment as an intermarried Cherokee citizen; being sworn and examined by Commissioner Needles he testifies as follows:

- Q What is your name? A Martin H. Bradford.
Q What is your age? A Thirty-three.
Q What is your post-office? A Barron Fork.
Q Your district, where do you live? A Goingsnake.
Q How long have you lived there? A Thirteen years.
Q Did you ever apply to the Cherokee Tribal authorities for citizenship in the Cherokee Nation? A Yes sir.
Q Were you rejected or admitted? A I was admitted I reckon maybe, I don't understand that.
Q I asked you if you ever applied to the Cherokee Tribal authorities for citizenship in the Cherokee Nation? A Not only by marriage, that's all.
Q Were you rejected or admitted? A I was admitted.
Q Did you ever apply to the Dawes Commission in 1896? A No sir.
Q Are you married? A Yes sir.
Q Under what law were you married? A Under Cherokee law.
Q Have you a marriage license and certificate with you? A No sir.
Q Why haven't you got it? A They are misplaced.
Q Who misplaced them? A I couldn't tell you.
Q Did you have a marriage license? A Yes sir.
Q Have you got a certified copy of your marriage license? A No sir. I haven't got nothing; I turned them over to Mr. Wright, and he told me he would hand them to me in sixty days and he never did, - he was the Clerk.
Q You can get a certified copy at the office at Tahlequah? A No sir, I went and searched there.
Q Have you a certificate of the officer that was there? A Yes sir. (Produces paper.)
Q When were you married? A I was married in 1888.
Q What was your wife's name before you were married? A Bettie Cline.
Q Have you any proof here at all of your marriage? A Yes sir.
Q Who is it? A Mrs. Wright and Will Wright.

Charlotte Wright, being sworn and examined by Com'r Needles testifies as follows:

- Q What is your name? A Charlotte Wright.
Q What is your age? A Fifty-three.
Q Where do you live? A Down on Barron Fork Creek.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Do you know Martin Bradford? A Yes sir.
Q Do you know anything about his marriage to Bettie Cline? A Yes sir; I remember when he was married, he was married in my house, my husband married them. He was District Clerk at that time.
Q Is he living? A No sir. My husband is dead.
Q He married them in your house? A Yes sir, I seen them stand and have the ceremony repeated to them; I was present when they married, I seen them right there with my own eyes.
Q Have they been living together as man and wife since that? A I couldn't hardly tell you about that; there has been some rumors here lately that he doesn't stay at home now; I don't visit up that way and I couldn't give any statement on that matter.
Q How far does he live from you? A He doesn't live more than about four miles, but I am a woman that don't go around any; I didn't hear they was separated, but I heard he wasn't at home, he

was boarding at another place.

Examined by Cherokee Representative Baugh:

Q Your husband was clerk of the district was he not? A Yes sir.

Q Was he in the habit of issuing license to white men that come there to get married? A Yes sir.

Q Do you know whether he issued this man a license or not?

A I don't remember exactly about that, because I had several little children and I wasn't in the house all the time, I come in just when they got up on the floor to get married; I never knew him to marry a white man without a license.

William Wright being sworn and examined by Com'r Needles testifies as follows:

Q What is your name? A William Wright.

Q What is your age? A Twenty-nine.

Q Where do you live? A Goingsnake District, on Barron Fork.

Q Are you a Cherokee citizen? A Yes sir.

Q You know Martin Bradford? A Yes sir.

Q You know his wife Bettie? A Yes sir.

Q You know whether they were married or not? A Yes sir.

Q How do you know? A I saw it.

Q You know whether he had a license or not? A Yes sir, I saw the license issued.

Q Who married them? A My father.

Q You know whether they have been living together since? A They have been living together all the time until about ten months ago I guess.

Q They separated about ten months ago did they? A Yes sir, I think they did.

Q You know the cause? No sir, I do not.

Applicant, Martin Bradford, re-called and examined:

Q Are you living with your wife now? A No sir.

Q You have separated? A Yes sir.

Q Have you got a divorce? A No sir.

Q Is she living at the place that you and her have always been living? A Yes sir.

Q And you have left there? A Yes sir, I don't stay there at the present time; I go backwards and forwards, but I don't make it my home at the present time.

Q You have abandoned her have you? A Well I can't hardly say that I have.

Q Did she tell you to leave? A Why, yes sir, she did.

Q Forged you off did she? A Yes sir.

Q You contend that your wife left you or you left her? A We just disagreed, and she said she wouldn't leave from there for a while, and I told her any time she would go west I would make her a better home than we had, and she said she wouldn't leave at the present time.

Examined by Cherokee Representative Baugh:

Q Have you ever contributed anything to your wife's support since you left her? A Yes sir.

Q She said you left some thing for them to eat when you left there, but you have never contributed anything since that? A No sir, I throwed money in; she come to me yesterday evening after she had been here and said she had done wrong she said; she told me she said I didn't help them any and she offered to come back this morning and make another statement and I told her to let it go.

Examined by Com'r Needles:

Q You married her in 1888? A Yes sir.

Q And how long did you live with her? A Until about nine

Martin H. Bradford #3

months ago, and there aint been a week that I aint been back at home but we haven't lived as man and wife.

Q Have you got a farm? A Yes sir.

Q It is occupied as her land I suppose, you have got it as an intermarried citizen? A Yes sir.

Note: 1896 roll examined for applicant's name: Page 818, #20, Martin H. Bradford, Goingsnake District.

Com'r Needles: Martin Bradford applies for citizenship as an intermarried citizen; his name appears upon the 1896 roll, page and number as stated in the evidence; the testimony shows that he is unable to present a certified copy of his original license or the original license; he files a certificate of the Secretary of the Cherokee Nation as part of his testimony, and he also offers testimony as to his marriage. (See testimony.) It also develops that he is not living with his wife. The Commission not being satisfied as to the abandonment, final decision as to his case by the Commission is suspended and his name is ordered placed upon a doubtful card.

Com'r Needles to applicant:

Any evidence you may wish to bring, either oral or documentary, will be taken and considered by the Commission, and when your case is finally decided upon, a copy of the decision will be mailed to you; and the papers will be forwarded to the Secretary of the Interior with the rolls when they are finally sent up for approval.

M.D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

M.D. Green

Subscribed and sworn to before me this 23rd day of July 1900.


Clifton R. Tucker

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Westville, I. T., July 20, 1900.

In the matter of the application of Martin H. Bradford for enrollment as an intermarried Cherokee citizen; Elizabeth J. Bradford, being sworn and examined by Commissioner Needles testifies as follows:

Note: The witness having testified in this case previously, now appears to make additional statement.)

- Q What is your name? A Elizabeth J. Bradford.
Q What is your age? A Forty-six.
Q What is your post-office? A Barron, I. T.
Q Are you a citizen of the Cherokee nation? A Yes sir.
Q By blood? A Yes sir.
Q What is your husband's name? A Martin Bradford.
Q Is he living with you now? A No sir, not at the present time.
Q How long have you separated from him? A Last October.
Q Did he leave your place? A Yes sir.
Q Where did he go to? A He went to Mrs. Duncan's.
Q What was the cause of your separation? A Well, sir, I just ~~don't~~ thought he was a little more attentive to other folks than he was to me.
Q Did you leave him or did he leave you? A He left me.
Q You are still living at the house where you lived together? A Yes sir.
Q Has he provided for you since October last? A We have had a living there, he left that with us, he never taken our living from us at all.
Q Has he provided anything for you since he left? A No sir. Any more than the money that I got for the corn.
Q How much money did you get for some corn? A Five dollars.
Q The corn belonged to him and you together? A Yes sir, he was living with me.
Q What did you do with that five dollars? A I used it for the benefit of the family.
Q Has he supplied you with any money or means outside of that since October? A He has given the children some money I think, he didn't give any to me; I don't remember how much.
Q Is it not a fact that ~~this~~ separation was brought about with undue intimacy with other women? A I thought it was.
Q Has he been living out at another house with another woman since that time? A He says he is boarding there.
Q Do you know anything about the marriage license between yourself and him? A Yes sir, I saw it, and the clerk told him that he would turn it back in thirty days, and I said if you have to turn it back in thirty days turn it back to-night and it will be out of your hands. The clerk's name was Jack Wright.
Q You were legally married to Mr. Bradford here? A Yes sir.
Q By Mr. Jack Wright? A Yes sir.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 23rd day of July 1900.

Clifton A. Russell
Commissioner.

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100 The above is a list of the names of the persons who have been
101 (1) born in the United States, and (2) born in other countries
102 and who have been naturalized citizens of the United States.
103 The names of the persons who have been naturalized citizens of the
104 United States are given in the following list.

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1. The first part of the document is a list of references. The references are listed in a standard format, including the author's name, the title of the work, and the publisher. The references are as follows:

1. J. H. Van Veen, *The History of the Netherlands*, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578,

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Supl.-C.D.#50.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARTIN H. BRADFORD as a citizen of the Cherokee Nation:

The applicant was notified by registered letter January 30, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 15th day of February, 1902. Receipt was acknowledged of Commission's letter and on said day, to-wit: the 15th day of February, 1902, the case was called and the Cherokee Nation requesting that the same be continued until the 3d day of March, 1902, the same was done. The Cherokee Nation this day makes satisfactory proof of service of notice on the same Martin Bradford that it would by its representatives introduce testimony tending to disprove his right to enrollment as a citizen of the Cherokee Nation at the offices of the Commission at Muskogee, Indian Territory, on the 3d day of March, 1902.

Applicant present in person and by his Agent, J. R. Sequichie.

Mr. W. W. Hastings, Cherokee Representative, present.

MARTIN BRADFORD, the applicant, re-called for additional cross-examination by the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Martin Bradford.
Q What is your age, Mr. Bradford? A 35 years old.
Q Are you a white man? A Yes, sir.
Q You applied to the Commission at Westville on July 20, 1900, for enrollment as a citizen by intermarriage? A Yes, sir.
Q What was your former wife's name? A Bettie Blynes.
Q Are you living with her now? A No, sir.
Q How long have you been separated from her? A Well, it has been about two years.
Q Where have you been staying since that time? A Why I have been staying first one place and another; I have been staying at the Duncan place.
Q What Duncan place? A Felix Duncan.
Q What is his wife's name? A Lizzie.
Q Is she a Cherokee or white woman? A Cherokee.
Q Are you married to her? A No, sir.
Q Ever been married to her? A No, sir.
Q Is she a widow? A Yes, sir.
Q What was the cause of the separation of you from your wife, Bettie Bradford? A We could not get along together with any peace, and I just took a notion it would be best for me to stay away.
Q And you left her? A Yes, sir.
Q And you left her at her place? A It belonged to me.
Q Well, you left her there? A Yes, sir.
Q And went off? A Yes, sir.

MR. SEQUICHIE:

- Q How long ago since you separated? A It has been about two years.
Q How did the circumstances that you left her; was it at her request? A Yes, sir; she just said if I didn't leave from there that she would eventually hurt me or something.
Q Made threats at you? A Yes, sir.

~~And that was the reason that you left her, because she requested you to?~~

Q And you left on that account, because she requested you to?
A Yes, sir.

MR. HASTINGS:

Q Haven't you been living with Mrs. Duncan as your wife?
A No, sir.

Q Wasn't it because of your intimacy with this woman that you and your wife separated? A No, sir; it was not any more her because of any other; she was very jealous hearted.

Q Didn't you go down to the female Seminary with this woman?
A Yes, sir.

Q Didn't you and she occupy the same room? A No, sir.

Q At night? A No, sir.

Q You deny that? A Yes, sir; I do.

ELLIS BUFFINGTON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Ellis Buffington.

Q What is your age? A 60.

Q Are you Superintendent of the Female Seminary? A Yes, sir.

Q Do you know this applicant, Martin H. Bradford? A I have seen him once or twice there.

Q When did you see him there? A I think he was there, must be along in last, very near two years ago, was the first time; and then he was there later than that in the same year.

Q Who was he down there with? A He was with Mrs. Duncan.

Q Felix Duncan's widow? A Yes, sir.

Q Do you know whether they occupied the same room at night?

A That was the understanding; my wife reported the fact to me, that she didn't like the conduct of the two.

Mr. Sequichie: I object to that; we don't want that in the testimony, the witness isn't here to verify the statement.

Commission: Let the objection be noted.

A She told me she didn't want this conduct carried on at the Seminary any more; she didn't tell me until they left and she said she didn't want them to come back any more. She spoke about them being there twice and living as man and wife. They never come back any more.

Q Did you know Mrs. Duncan's former husband? A Yes, sir.

Q How long has he been dead? A Why I could not exactly tell; he has been dead about three or four years.

Q Do you know whether Mrs. Duncan has a young baby or not?

A No, sir, I don't know.

Applicant, Martin H. Bradford, recalled:

MR. HASTINGS:

Q Is Mrs. Duncan's husband, Felix, dead? A Yes, sir.

Q When did he die? A Well, I don't remember, it has been several years back.

Q Four or five? A Yes, sir, I guess it has, but I don't just remember how long.

Q Has Mrs. Duncan a young baby? A Yes, sir.

Q About when was it born? A Why I could not tell you; I never paid any attention.

Q Don't you know about how old it is? A Why I guess it is about 11 months old I reckon.

Q Her husband died more than two years ago, you are certain of that?

A Yes, sir, he has been three or four years ago.

Q This child was born since you have been there at her house?

A Yes, sir.

ELLIS BUFFINGTON, re-called: By Mr. SEQUICHIE:

Q About how long ago is it when the applicant and Mrs. Duncan came to the Seminary? A I don't remember, it was sometime in the fall of 1900; it strikes me. Now, summer or fall, I don't know whether it was spring time or fall time. They brought the girls down there and left them and one of the girls was taken sick and I wrote to Mrs. Duncan and told her and told her she had better come down.

Q Mr. Buffington, you have absolute control of the building of the Female Seminary? A Yes, sir.

Q And if they were to apply to stay over night they would apply to you for accomodation? A If they come to visit the children, they didn't have to come to me and make a request or anything that way. They know, when they are invited to come, she was invited to come to attend to her sick daughter.

Q Were you present when this room was assigned to Mrs. Duncan?

A I don't know, there was only one room in the building that goes and comers use and they was assigned to that room.

Q Do you know whether when that room was assigned to Mrs. Duncan it was assigned to her alone or not? A No, sir.

Q Was there more than one bed in the room? A Yes, sir.

Q Were you there at the time these people retired?

A No, sir.

Q Isn't it a fact that you don't know anything about this case; you don't know whether this woman and the applicant didn't occupy the same room A No, sir.

Q You don't know anything about it? A Not more than what my wife told me.

Q That part of it has been objected to.

MR. HASTINGS:

Q You appoint your wife to a Matron's position there? A Yes, sir.

Q She acts under you doesn't she? A Yes sir.

ED CLYNE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A EdClyne.

Q What is your post office? A Baron, I. T.

Q Do you know this applicant, Martin H. Bradford? A Yes, sir.

Q How long have you known him? A Why I have knowed him for I could not say just when, I have knowed him quite a while though.

Q What kin is his former wife, E. J. Bradford, to you?

A She is a sister.

Q How long did they live together as husband and wife? A Why, they must have lived together eight years I reckon.

Q Well, about when did they separate? A The best I remember it was about two years ago last October.

Q You know the cause of their separation? A Well nothing more than Mr. Bradford here got to keeping company with Mrs. Duncan and finally just took up abode there and made it his home and stayed.

Q Well, has he been there all the time since then?

A Not all the time; he has made his home principally, I suppose he has been away some.

Q How long has Mrs. Duncan's husband been dead? Three or four years.

Q Has she had a child since then? A Yes, sir.

Q And this intimacy between this woman and the applicant has been the cause of the separation of your sister and the applicant?

A Yes, sir.

Q Who stayed at the place of this applicant and your sister?

A She did.

Q He left her there? A Yes, sir.

Q Had some children by your sister? A Three children.

Q Children stay there with her? A Yes, sir.

MR. SEQUICHIE:

Q Mr. Clyne, you say, you testified just now that the reasons of the separation was on account of the applicant was being on intimate terms with this lady, Mrs. Duncan, and that the reason that they have separated was because he lived at this woman's house?

A Mrs. Duncan's?

Q Yes. A Yes, sir.

Q How do you know that? A I know that he told me himself that he was visiting with her.

Q Were you present at the day they was separated? A Why, yes, I was there that morning.

Q Did you hear the conversation as to the difference?

A Why, nothing more than the talk between them, that he was going to live with Mrs. Duncan.

Q Did his wife accuse him for the reason that she wanted him to leave, the reason he was taking up with this woman? A Yes, sir.

Q You heard her say that? A Yes, sir.

Q The day they separated? A Yes, the first, -yes, it was the day I guess they parted was the first trouble they had.

Q You were present when the conversation took place? A No, sir.

Q Now, Mr. Clyne, the question was brought in here was about the child; do you know anything about the child? A I have saw the child off at a distance.

Q Did you ever hear Mrs. Duncan say that it was the applicant's child? A No, sir.

Q Did you ever hear the applicant say it was his child?

A No, sir.

MR. HASTINGS:

Q Who is the reputed father up there in the neighborhood of this child? A It was just talk, supposition in the neighborhood Mr. Bradford is the father

Mr. Sequichie: I object to that answer to the question.

Commission: The Agent for the applicant and representative of the Cherokee Nation present submit the case and the same is ordered closed and reported to the commission for final decision based upon the evidence now of record.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 5, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILE 12-18

JUL 20 1900

EXECUTIVE DEPARTMENT,



CHEROKEE NATION.

Tahlequah, I. T., _____ 1899

I B.W. Alberty assistant Executive secretary of the Cherokee Nation do hereby certify that I have searched the records of marriages and marriage license for going Snake District Cherokee Nation and all other records placed in the Executive office of said Nation and are in my custody, and said records fail to show any record of a marriage license issued to Martin Bradford to marry miss Beattie Cline of Cherokee Nation,

B. W. Alberty

Assistant Executive Secretary
Cherokee Nation.

aaa

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martin H. Bradford for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that at Feb'y 22nd 1902, Martin H. Bradford appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the said Martin H. Bradford claims a right to enrollment by virtue of his marriage, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, in 1898, to Bettie Cline, a citizen by blood of the Cherokee Nation. It further appears that the said Martin H. Bradford lived with his said wife, Bettie, until about September, 1899, and he then left her and has not since that time contributed to her support. The said Martin H. Bradford is identified on the Cherokee Census roll of 1896.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667, of the Compiled Laws of the Cherokee Nation (1892) provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandons his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the said Martin H. Bradford abandoned his wife within the meaning of the Cherokee law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 30 1902

COMMISSIONER

1902

FILED
JAN 31 1902

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,.....January 30,

1902

Mr. Martin H. Bradford,

Barron, Indian Territory.....

Sir:

You are hereby notified that the application of.....yourself

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

15th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Register
Cherokee D-50.

Acting Chairman.

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS
NORTHERN DISTRICT.

In the matter of the application of Martin

H. Bradford

for enrollment as a Cherokee ~~Indian~~ Citizen

No. C. D. 50

Henry Pack

of lawful age, being duly sworn on
oath states that on the 20th day of February, A. D., 1902 he registered
to Martin H. Bradford whose postoffice is Baron

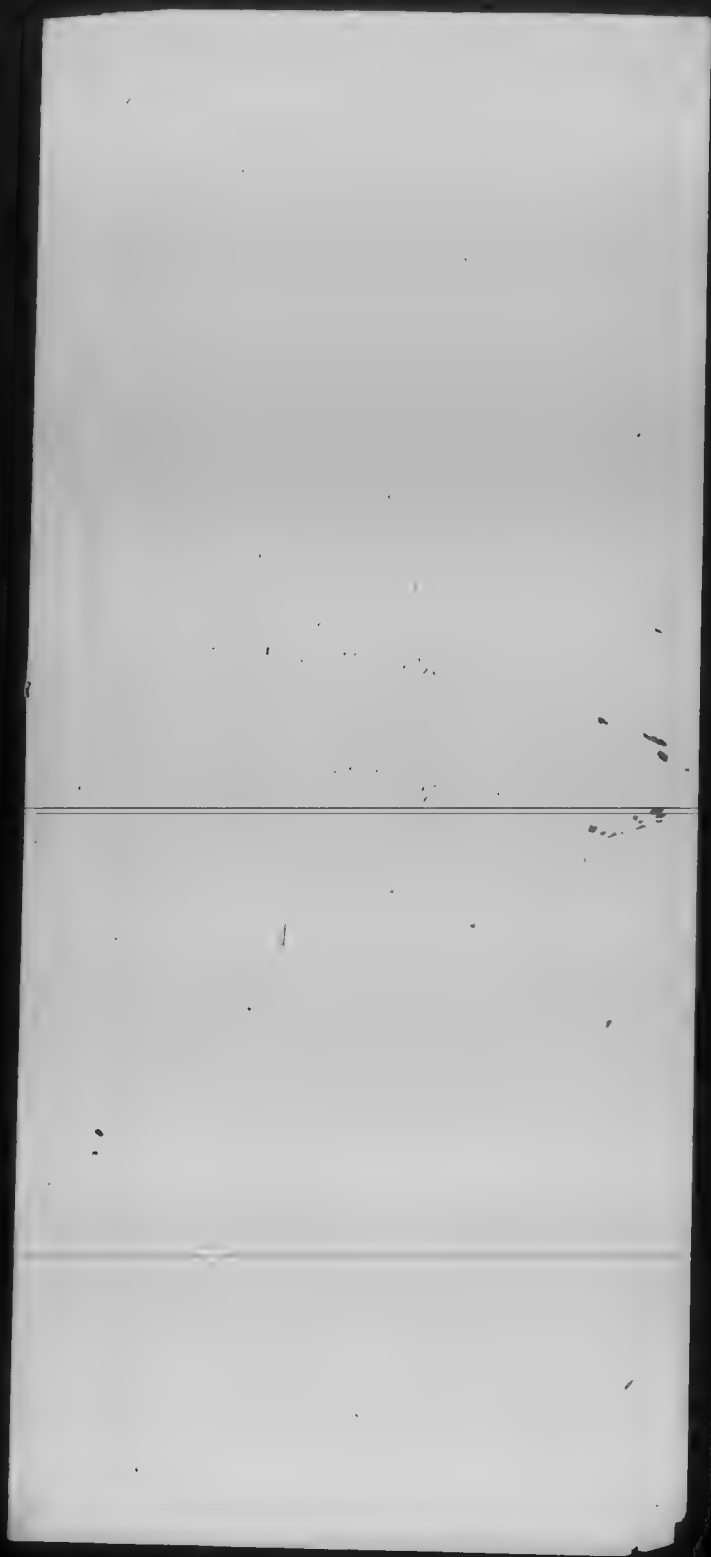
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Muskogee Indian Territory;
and that on the 25th day of February, 1902 he received the return
card which is hereto attached, signed by the said Martin H. Bradford, showing
that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 25th day of February A. D. 1902

J. C. Starr

Notary Public.



D. 50

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of , 190...

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190...

.....
Subscribed and sworn to before me
this

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Martin H. Bradford
for enrollment as Cherokee citizens:
Case No. D 50

To Martin H. Bradford, Barron, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 13th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 13th day of February, 1902.

M. W. Hastings
Attorneys for the Cherokee Nation.

Cherokee D-50.

Muskogee, Indian Territory, November 25, 1902.

Martin H. Bradford,

Barron, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

There has this day been forwarded your Agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-131.
Register.

Cherokee D-50.

Muskogee, Indian Territory, November 25, 1902.

J. R. Sequichie,

Agent for Martin H. Bradford,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application of Martin H. Bradford for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated November 20, 1902, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-132.
Register.

Cherokee D-50.

Muskogee, Indian Territory, November 25, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of Martin H. Bradford for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-133.

Cherokee D-50.

Muskogee, Indian Territory, November 25, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Martin H. Bradford for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Chairman.

Enc. H-134.

COPY.

Refer in reply to
the following:
Land
71264-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, December 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated November 25, 1902, forwarding the record relative to the application of Martin H. Bradford for enrollment as an intermarried Cherokee. The applicant claims right to enrollment by virtue of his marriage to Bettie Cline, a Cherokee citizen by blood.

The applicant and Bettie Cline were married in accordance with the laws of the Cherokee nation; they lived together until September 1899, at which time he left her and has not since contributed to her support. His name appears on the 1896 Cherokee census roll.

The evidence shows that the applicant's wife resides at the place where they lived during the time they lived together and that he goes "backwards and forwards but don't make it my home at the present time."

From the evidence it would seem that the applicant's action in deserting his wife is abandonment within the meaning of section 667 of the laws of the Cherokee Nation. It is therefore respectfully recommended that the Commission's decision of November 20, 1902, rejecting the application, be approved.

Very respectfully,
W. A. JONES,
Commissioner.

G.A.W.(B)

D.C.775.

EAF.

DEPARTMENT OF THE INTERIOR.

I.T.D. 7897-1902.

Washington, January 5, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 25, 1902, you transmitted the record in the matter of the application for enrollment of Martin H. Bradford as a citizen by intermarriage, of the Cherokee Nation.

The applicant, it appears, was in 1888 married to one Bettie Cline, a Cherokee citizen by blood, under a Cherokee marriage license. The evidence further shows that applicant in September 1899, left his said wife and has not since contributed to her support and that he is identified on the Cherokee census roll of 1896.

November 20, 1902, you held that the applicant abandoned his wife within the meaning of section 667 of the compiled laws of the Cherokee Nation (1892), and accordingly denied the application.

Forwarding the papers December 18, 1902, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully

Thos. Ryan,

Acting Secretary.

1 inclosure.

Copy:
Cherokee D-50.

Muskogee, Indian Territory, January 16, 1903.

Martin H. Bradford,

Barron, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 5, 1903.

Respectfully,

Acting Chairman.

Cherokee D-50.

Muskogee, Indian Territory, January 16, 1903.

J. R. Sequichie,

Agent for Martin H. Bradford,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of Martin H. Bradford for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 5, 1903.

Respectfully,

Acting Chairman.

COPY.

Cherokee D-50.

Muskogee, Indian Territory, January 16, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of Martin H. Bradford for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 5, 1903.

Respectfully,

James H. ...
Acting Chairman.

ORIGINAL

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Department of the Interior.

Commission to the Five Civilized Tribes.

*In the Matter of the Allotment of the Lands
of the Choctaws and Chickasaws.*

Martine H. Bradford

DENIED

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JAN 5 1903 792

Transferred from Chev.
D.-50

Cher R 793

Cher R 793

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Maud Steele for enrollment as a citizen of the Cherokee Nation; she being sworn and examined, testified as follows:

Represented by J. R. Sequichie, Agent; Cherokee Nation by Hastings and Davenport.
Commission:

- Q What is your name? A Maud Steel.
- Q How old are you? A 26.
- Q What is your postoffice address? A Vinita.
- Q Do you make application for enrollment as a Cherokee by blood?
- A Yes sir, I do.
- Q What degree of blood do you claim? A 1/64.
- Q What district in the Cherokee Nation do you live in? A Cooweescoowee.
- Q Do you apply for anyone besides yourself? A No sir.
- Q What is the name of your father? A James Alexander.
- Q Is he living or dead? A He is living.
- Q What is the name of your mother? A Her maiden name was Louisa Schrimsher.
- Q Is she living? A No sir, she is dead.
- Q Do you claim your right to enrollment through your mother or father? A Through my mother.
- Q Is your father a white man? A Yes sir.
- Q What district in the Cherokee nation does your mother belong to?
- A Cooweescoowee.
- Q Have you always resided in the Cherokee Nation? A No sir, I have not been here all the time.
- Q Where were you born? A I was born in Missouri.
- Q How old were you when you came to the Cherokee Nation? A I was nine years of age.
- Q Where have you been living since that time? A I have been here part of the time; I was here until I was 18.
- Q Then where did you go? A I went to Missouri and married.
- Q How long did you continue to live there? A I lived there right at seven years.
- Q Then you have been back here about one year, you came back here when you were 25 years old? A No, I haven't been back but a short time.
- Q You have only been here about one year? A Yes.
- Q What is the name of your husband? A William Steele.
- Q Where is he? A In Missouri, at Republic, Missouri.
- Q Are you living with him? A No sir.
- Q Have you ever drawn any money from the tribal authorities of the Cherokee Nation? A Yes sir, made three different draws.
- Q How long have you and your husband been separated? A About three months.
- Q Did you draw the strip money in '94? A Yes sir.
- The 1896 census roll of the Cherokee Nation examined and the name of Maud Steele is found in Cooweescoowee District on page 262, No. 4619.
- Q Did you ever live in Sequoyah District? A No sir.
- Q How long have you been married? A I was married in June '95.
- Q How long has your mother been dead? A She has been dead 14 years.
- Q Did you draw that strip money at the regular payment or subsequent?
- A At the regular payment.
- Q Where? A At Vinita.
- Q Your name was Alexander at that time? A Yes sir.
- Q After you came back to the Cherokee nation were you readmitted to citizenship? A Yes sir, when we first came here. In '85.
- Q Had you ever been here prior to that time? A No, not before '85.

2- Maud Steele-

- Q You were born in Missouri? A Yes sir; we come in '85 and was admitted then. We were admitted in '86, we come here in '85.
- Q. Q. Hastings: Were you admitted by the Commission or by the Council, do you remember? A I don't know, I was so small. W. C. Chamberlain was my mother's attorney.
- Q You had a brother named Charles A. Alexander? A Yes sir.
- Q The same mother and father? A Yes sir.
- Q How long did you continue to reside here after 1885? A I was here until 1894.
- Q You resided here continuously until 1894? A Yes sir.
- Q Then where did you go? A To Missouri.
- Q You were married in Missouri? A Yes sir.
- Q How old were you then? A 19.
- Q You continued to reside in Missouri until when, when was the last time you came back to the Cherokee Nation? A Last March.
- Q In March, 1902? A Yes sir.
- Q Had you been in the Indian Territory or the Cherokee Nation since you were married until last March? A No sir, my husband came down a couple of trips to see about my affairs, but I never came.
- Q Who drew this money for you in 1894? A I drew it myself when we were first married.
- Q How much did you draw? A \$54 I believe.
- Q Who got the balance of it? A J. H. Thompson.
- Q He drew the money for you? A Yes sir.
- Q Where were you residing at that time? A Vinita.

The records of the Cherokee Nation examined and fail to disclose that either the applicant or her mother were ever admitted to citizenship in the Cherokee Nation.

Maud Steele applies for the enrollment of herself as a Cherokee by blood. She is not identified upon any of the tribal rolls of the Cherokee Nation with the exception of the census roll of 1896; she avers that she was admitted to citizenship some time in 1885 or 1887. The records of the Cherokee Nation fail to disclose that such is the case. It further appears that she came to the Cherokee Nation in 1885 and lived here continuously until 1894 when she removed to the State of Missouri where she resided until March, 1902. It appears from the record of this Commission that her brother, Charles A. Alexander, has been listed for enrollment on Cherokee roll card, No. R-211, and it is directed that copies of all the testimony had in his application be filed with and made a part of the record in this case. The final judgment as to the enrollment of the said Maud Steele will be suspended and her name will be placed upon a doubtful card awaiting further consideration by the Commission.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of June, 1902.

E. G. Rothenberger.
P. G. Reuter
Notary Public.

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy from the original thereof, and that the same is a true and correct copy.

Subscribed and sworn to before me this 29th day of December, 1905.

Geo H Lessley
My Comm. Expires
Notary Public.

To be filed in Cher. D-1321.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 2nd, 1900.

In the matter of the application of James S. Alexander for the enrollment of his children Maud P. and Charles A. Alexander, as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your name please? A James S. Alexander.
Q How old are you? A Fifty five.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the rolls?
A A little boy and daughter.
Q Two children? A Yes, sir; my daughter is absent in Missouri.
Q You want to apply for two children, do you? A Yes sir.
Q And yourself? A No sir.
Q Give me the names of these children? A Maud P.
Q How old is that child? A She is twenty four.
Q She must apply for herself? A All right.
Q Give me the name of the other child? A Charles A.
Q How old is that child? A He is fourteen years old.
Q This child is living now, is he? A Yes sir.
Q What is the name of this child's mother? A Louisa J. Alexander.
Q She was your wife, was she? A Yes sir.
Q And this your child? A Yes sir.
Q The child's mother is dead? A Yes sir.
Q Was she a Cherokee? A Yes sir.
Q How long has she been dead? A She died in 1887.
Q How old was she when she died? A About thirty seven.
Q Was she born in the Cherokee nation? A Born in the Cherokee Nation.
Q Did she live here all her life? A No sir; not all her life.
Q What is the name of her father? A Isaac Schrimpscher.
Q Is he dead or living? A Dead.
Q The name of her mother? A Ruth Schrimpscher.
Q Is she living or dead? A She is dead.
Q Was Isaac Schrimpscher a Cherokee? A One by adoption I think.
Q Was Ruth Schrimpscher a Cherokee? A Yes sir.
Q How long has Ruth Schrimpscher been dead? A I cannot tell.
Q You say your wife was born in the Cherokee Nation? A Yes sir.
Q Where did she live? A When I married her?
Q Yes? A I married her in Missouri.
Q When was it you married her? A In 1875.
Q You married her in 1875 in Missouri? A Yes sir.
Q Where did you live after you married her? A Lived in Missouri until 1885.
Q And then where did you live? A In the Cherokee Nation.
Q Did you live in the Cherokee Nation from 1885 until your wife died? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Was this child that you now apply for, Charles A., born in the Cherokee nation? A No sir; he was born in the States.
Q Well, you went back up there since he was born: He was born since 1885; this child is fourteen years old; that carries you back to 1886; You came here in 1885; yet that child was born in Missouri in 1886? A We were here in 1885.
Q How about since 1885? A He was born before 1885.
Q Then he is over fourteen years old; 1885 is fifteen years ago?
A Well.
Q Where have you lived since 1885? A In the Cherokee Nation.
Q All the time? A Yes sir. In this town; I lived in Cabin two years.
Q You have been to Missouri since 1885? A I have been to Missouri about four months at a time; two visits.
Q What have you been doing there? A Working at my trade.

Q What is your trade? A Carpentering and wood work.
 Q This child was born in Missouri? A Yes sir.
 Q How old was he when you brought him down here? A That is a puzzle for me; He was a year; a little over a year old.
 Q He was a baby was he? A Yes sir.
 Q He has been here ever since? A Yes sir.
 Q Were you admitted by the Cherokee Commission or Council; since you came here? A The lady was.
 Q The mother? A Yes sir, and her children.
 Q Did you and your wife live together from the time of your marriage until she died? A Yes sir.
 Q You lived together as husband and wife from the time you were married until she died? A Yes indeed.
 Q You were never married to your wife according to Cherokee law?
 A No sir; I never have claimed anything of the kind.
 (1896 Roll, Page 104, #161, Charles Alexander, Cooweescoowee District)
 Q This child's mother is not on any roll at all: She died before the roll of 1896 was made, and she was not here when the roll of 1880 was made? A No sir.
 Q You do not claim that she was ever enrolled on any roll?
 A I do not know.
 Q Did you ever apply to the Cherokee Commission or Council for admission of this child's mother to citizenship? A I did not in person.
 Q Did you through an attorney? A No sir; I never.
 The applicant applies for the enrollment of his child: It does not appear that the child's mother was ever admitted to citizenship, or put upon any roll of the Cherokee nation: The child is identified on the roll of 1896, but as he can inherit only through his mother, and she seems to possess no rights of citizenship: And he is not entitled to citizenship, and the application for the enrollment of the child, Charles A., at this time (Charles A. Alexander) is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

B. R. Cravens.
 Subscribed and sworn to before me this 4th day of October, 1900.
 C. R. Breckinridge,
 Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original.

E. G. Rothenberger/
 Subscribed and sworn to before me this 23rd day of July, 1902.
 Bruce C. Jones
 Notary Public.

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy, and that the same is true and correct as he verily believes.

Geo. H. Lessley
 Subscribed and sworn to before me this 29th day of December, 1905.
Myron White
 Notary Public.

To be filed in Cher. D-1321.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 23rd, 1901.

In the matter of the application of Charles A. Alexander, Cherokee
Rejected card 211. Supplemental testimony.

Appearances:

Preston Davis for the applicant.
J. L. Baugh for the Nation.

Mary Jane Bachtel, being first duly sworn by Commissioner T.B. Needles
testified as follows on the part of the applicant :

(By Mr. Davis)

- Q What is your name? A Mary Jane Bachtel.
Q How old are you? A 54.
Q What is your post office address? A Hudson.
Q What is your citizenship? A Cherokee.
Q How? A By blood.
Q Do you know Charles A. Alexander? A Yes sir.
Q He is the applicant in this case? A Yes sir.
Q What is his mother's name if you know? A Lou Schrimpscher.
Q Was that her maiden name? A Yes sir.
Q Where was she born? A On Grand river.
Q What Nation and Territory? A Cherokee Nation.
Q Indian Territory? A Yes sir.
Q When, in reference to the war, was she born, before or after? A
A good while after.
Q What was her father's name? A Isaac Schrimpscher.
Q What was her mother's name? A Ruth Schrimpscher - Fields before
~~she~~ she was married.
Q What was the citizenship of her mother? A Cherokee.
Q How? A By blood.
Q After Ruth Schrimpscher was born in the Cherokee nation on Grand
river some time before the war, how long did she live in the
Cherokee nation before she ever left? A A good while sir, she went
to Missouri and worked out.
Q How old was she then? A 17 or 18.
Q Then she lived here from the time of her birth some 17 or 18
years continuously- from her birth? A Yes sir.
Q What was she doing in Missouri? A Worked out--cooking.
Q What was her circumstances? A She was a poor girl.
Q Did she come back to the Cherokee nation after that? A Yes sir.
Q When? A 1885.
Q At that time, was she married? A Yes sir.
Q What was her husband's name? A James Alexander.
Q Is he the father of this applicant? A Yes sir.
Q And is Lou Alexander, who was Lou Schrimpscher, the mother of
this applicant, Charles A. Alexander? A Yes sir.
Q From the time Lou Alexander, the mother of this applicant came
back to the Cherokee nation, did she leave it up to the time of her
death? A No sir.
Q Has this applicant, Charles A. Alexander, lived any where else
except in the Cherokee nation since they come from Missouri? A No sir.
Q Was he born when they came here? A Yes sir, when they came here
he was about a year and a half old.
Q What are the names of the brothers and sisters of the mother of
this applicant, Charles A. Alexander, or do you know them? A Yes sir
Q Name them please? A Elizabeth Schrimpscher. Newton Schrimpscher.
Ruthie Schrimpscher, a half sister and Arabelle Schrimpscher a half
sister.
Q That all of her brothers and sisters? A Yes sir.
Q Where does Newt Schrimpscher live? A In Wagoner.
Q Do you know when the mother of Lou Schrimpscher died? A No sir I
dont, I think about 52 years ago.
Q She died then before 1880? A Yes sir.
Q Did her father die before 1880? A Yes sir, he got killed in the
war.

Q Her father and mother both died then before 1880? A Yes sir.
Q Do you know whether or not her mother was recognized as a Cherokee blood in the Nation? A Yes sir.
Q Are you any relation to them? A No sir.
Q What did your folks do with reference to raising this woman? A My mother married Isaac Scrimpscher, the father of Lou, and they raised her.
Q How old was Lou when they married? A A year and a half old.
Q Were you living with the family when your step father and your mother married? A Yes sir.
Q And this child was brought up with your family until she was about 18 years old, and then she went to Missouri? A Yes sir.
Q Do you know the names of the brothers and sisters of Lou now, are they married? A Yes sir.
Q What are their names now? A Elizabeth Kinsworthy, Bell Southerland and Ruthie Tyler.
Q Is that all the sisters she had? A Yes sir.
Q Is Newt Scrimpscher the only brother she had? A Yes sir, one was killed time of the war, Newt is the only living one.
Q What kin is Isaac Scrimpscher to Judge John S. Scrimpscher of Claremore? A Cousins.
Q Did you know that family of Fields? A No sir I dont, we used to call them Grandma and Grandpa, but I dont know anything about them.
Q You dont know the names of the father and mother of Lou Scrimpscher's mother? A No sir.
Q You dont know the Fields family, from which her mother came? A No sir.
Q Where is this Charles A. Alexander, the applicant, now? A Up at my daughters in the Cherokee Nation going to the Cherokee school.
Q Makes that his home does he? A Yes sir.

(By Baugh)

Q Where was Lou Scrimpscher born? A On Grand River.
Q When? A 52 years ago.
Q How long did she live in the Cherokee Nation after her birth? A Until after the war, and then went to Missouri.
Q Do you know when she went to Missouri? A I dont know the year, she was about 16 or 17 years old when she went.
Q How long did she live in Missouri before she married? A She came back here in '85.
Q She married in Missouri? A Yes sir.
Q And lived in Missouri with her husband before returning here? A Yes sir.
Q They kept house there? A No sir, she said they worked out.
Q How many children did they have? A Four.
Q Born before she came here? A Yes sir.
Q Was she ever re-admitted to citizenship by the Cherokee National Council after she came back? A I think she said they was readmitted and that Jim Alexander was Clerk of the Council at that time and that they gave him ten dollars to tend to the matter and that he lost the papers or something like that.

(By the Commission)

Q You say the mother of Lou Scrimpscher was always recognized as Cherokee citizens? A They were all Cherokees.
Q But were they recognized as such by the Cherokee authorities? A I dont know.

(By Mr. Davis)

Q Did her mother own any place here? A Yes sir.
Q Did she live on it? A Yes sir.
Q Did her father take part in Cherokee politics? A Yes sir.
Q Did he have any cases in the Cherokee Courts? A No sir I dont think he did.
Q Did he ever sit on Cherokee juries? A I dont know about that.
Q Her mother had a place and lived there on it? A Yes sir.
Q And they were known and accepted as Cherokees? A Yes sir.

(By the Commission)

Q Known and accepted as Cherokees by the people around there? A Yes sir.

Q Did she belong to the church? A Yes sir.
Q What church? A Baptist church.
Q And she was known and accepted there by the people as a Baptist?
A Yes sir.
Q Just as she was known and accepted by the people there as a Cherokee? A Yes sir.

By the Com'r: This will be filed with the papers in the case.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes herein.

Chas. von Weise.

Subscribed and sworn to before me this the 30th of October, 1901.

T. B. Needles,
Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

E. G. Rothenberger.

Subscribed and sworn to before me this 24th day of July, 1902.

Bruce C. Jones
Notary Public.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy and that the same is true and correct.

Geo. H. Lessley

Subscribed and sworn to before me this 29th day of December, 1905.

Myron White
Notary Public.

Department of the Interior?
Commission to the Five Civilized Tribes.
Vinita, I. T., October 26th, 1901.

Supplemental testimony in the matter of the enrollment of
Charles A. Alexander as a Cherokee citizen, introduced on part of
the applicant:

Appearances:

Mr. P. S. Davis, Attorney for applicant:

Mr. W. W. Hastings, for Cherokee Nation:

Arabel Southerland, being duly sworn, by Commissioner Needles,
testified as follows on part of applicant:

Mr Davis: State your name to the Commission.

A Arabel Southerland.

Q Are you the wife of Enoch Southerland? A Yes, sir.

Q How old are you? A 35.

Q Where do you live? A Nine miles northwest of Vinita.

Q How long have you lived there? A 25 years.

Q What is your citizenship? A Cherokee.

Q How? A By birth.

Q By blood? A Yes, sir.

Q Are you acquainted with James S. Alexander? A Yes sir.

Q Do you know Charles A. Alexander, his son? A Yes, sir.

Q What was the name of the mother of Charles A. Alexander? A Lou
Schrimsher.

Q Before she married? A Yes, sir.

Q Where was she born? A On Grand river.

Q What district, Nation and Territory? A Cherokee Nation and
Delaware District.

Q Indian Territory? A Yes, sir.

Q Was she born before or after the war; that is, Lou Schrimsher?

A Before the war.

Q Did she ever leave the Cherokee Nation? A Yes, sir.

Q How old was she, if you know, when she left? A Well, I don't
know; during the war she was, as a child she was taken from the Ter-
ritory and then she come back again; in fact she left it several
times. She was left an orphan during the war and she worked for a
living and part of the time she was in the Territory and part of
the time she was out of it, but her real home was in the Nation.

Q What was her citizenship? A She was a Cherokee.

Q How? A By blood.

Q What was the citizenship of her mother? A She was a Ch rokee.

Q How? A By blood.

Q Did Lou Schrimsher; when was she last living in the Cherokee
Nation to your knowledge prior to her marriage to James S. Alexander?

A In '75.

Q In 1875? A Yes, sir.

Q When did she next live in the Cherokee nation to your knowledge
after 1875? A '85.

Q Was she then married to James S. Alexander? A Yes, sir.

Q Where was the applicant in this case, Charles A. Alexander, the
son of James S. Alexander and Lou Alexander, nee Schrimsher, born?

A I don't know, but I believe he was born in Missouri, in Pulaski
County.

Q How old was he when they brought him to the Territory?

A About a year old.

Q What has been his home ever since he came to the Cherokee nation
with his father and mother? A We has lived here in the Cherokee
Nation.

Q Ever since? A Yes, sir.

Q He is living here now? A Yes, sir.

- Q Do you know whether or not his mother, Lou Schrimsher, who was Mrs. James S. Alexander, was recognized as a Cherokee citizen?
- A She was.
- Q What relation, if any, do you bear towards Lou Schrimsher?
- A She was my half sister.
- Q By the same father or same mother? A By the same father.
- Q Was she raised up in the family with you? A Yes, sir, until the middle of the war, and then her aunt took her.
- Q Did you ever hear of her citizenship being disputed or denied to be enrolled? A Oh, never was that I know of.
- Q Is she living or dead? A She is dead.
- Q When did she die? A I don't remember; although she died on our place but I don't remember just how long ago it has been; it seems to have been about '86 or '7.
- Q Did her mother, Lou Schrimsher's mother, die before 1880?
- A Yes sir.
- Q Of what family of people was Lou Schrimsher's mother, if you know? A Fields.
- Q What was her name? A Ruth Fields.
- Q What was your father's name? A Isaac Schrimsher.
- Q Has Ruth Fields a brother living at this time? A Yes, sir.
- Q What is his name? A George.
- Q Where does he live? A I think he lives on Grand river.
- Q In what district? A I believe he lives in Delaware.
- Q Is he recognized as a Cherokee citizen? A Yes, sir.
- Q Is he living now? A He was when I heard from him.
- Q Has Ruth Fields any other brothers or sisters that you know of?
- A I believe she has a sister.
- Q What is her name? A I don't know.
- Q Is she married or single? A Why I heard that she was married but I am not acquainted with her.
- Q Do you know what name she goes by? A I heard she married a Dick.
- Q Do you know what her first name was?
- Q I think she was called by nickname.
- Q What was her nickname? A Puss.
- Q Where does she live now, this widow Dick, that you think was called Puss Fields? A I don't know.
- Q Has Lou Schrimsher any brothers living? A Yes sir.
- Q Lou Schrimsher was the mother of Charles A. Alexander?
- A Yes sir.
- Q What is his name? A Newton.
- Q Has she any sisters? A Yes, sir.
- Q Has she any sisters? A Yes, sir.
- Q What is her name? A Elizabeth Kinworthy.
- Q What is her postoffice? A Vinita.
- Q Has she any half sisters? A Yes.
- Q What are their names? A Mrs. Ruth Tyler.
- Q What is her postoffice? A Vinita.
- Mr. Hastings: This girl, the mother of this boy, left here, as I understand you, during the war? A Yes, but she come back.
- Q Well now, when did she leave here after the war? A She left at different times but she would come back home.
- Q Then but I want to know the first time? A Well, now, I can't tell you.
- Q How long did she stay away? A I don't know, because she made her home mostly with her aunt.
- Q What was her aunt's name? A Rhoda Cork.
- Q She lived over at McDonald County, Missouri? A Yes, sir.
- Q That is where she made her home mostly? A Yes, sir, but her real home was with my mother, but she didn't live at home because she could get more work near her aunt.

Q Over in Missouri? A Yes, sir.
 Q Where was she married? A I don't know, I think she was married in Missouri.
 Q This child was born in Missouri? A Yes, sir.
 Q She left here in '75, as I understand, and come back in about '85? A Yes sir.
 Q Ten years afterwards? A Yes, sir.
 Mr. Davis: She lived here,--she came back and lived here and died ~~ad~~ here? A Yes, sir.
 Q And this child you said has been here ever since it was alittle over a year old? A Yes sir.

The records of the Commission examined and on the 1880 authenticated roll is found the name of George Fields, page 256, #1000, George Field-, native Cherokee, Delaware district.

E. S. Southerland, being duly sworn by Commissioner Needles, testified as follows on part of applicant:

Mr. Davis: State your name? A E. S. Southerland.
 Q What is your age? A 56.
 Q What is your citizenship? A Adopted.
 Q Cherokee by marriage? A Yes, sir.
 Q Is that your wife that just testified? A Yes, sir.
 Q Do you know the applicant in this case, Charles A. Alexander? A Yes, sir.
 Q What is his father's name? A James Alexander.
 Q What was his mother's name before she married? A Lou Schrimsher.
 Q What was her citizenship; was she a Cherokee or citizen of the United States? A She was a Cherokee.
 Q Where has Charles A. Alexander made his home ever since he was a child, baby; where has he been living? A The bigger portion of the time in our neighborhood, from the time he was about two years old, he has been on my place two years.
 Q Was he been in the Cherokee nation ever since he was one or two years old? A Yes, sir.
 Q Is he living here now? A Yes, sir.
 Mr. Hastings: Where was he born? A Born in Missouri I reckon.
 Q Where was his mother married? A Missouri.
 Q How long had she been living there at the time the boy was born? A I could not tell you.
 Q As much as ten years, eight years? A No, she was living here good long time and went back there and married, I could not say how long she lived.
 Q Don't remember? A No, sir.
 Mr. Davis: When was the last time you saw Lou Schrimsher here before she married Alexander? A She was living here '73 as near as I recollect, the year before I married, and I was married in '74.
 Q You think it was '73? A I think so.
 Mr. Hastings: When was the last time you saw her before this child was born? A She come back once and went back and didn't come until she married.

Elias Jenkins, being duly sworn by Commissioner Needles, testified as follows on part of applicant:

Mr. Davis: State your name to the Commission.
 A Elias Jenkins.
 Q What is your age? A 65.
 Q What is your citizenship? A Cherokee by adoption.
 Q What is your wife's name? A Arminda Jane Schrimsher, widow Schrimsher she was.
 Q Are you acquainted with the applicant in this case, Charles A. Alexander? A No, sir, I ain't.
 Q Did you know his father, James A. Alexander? A Yes, sir.

Q Did Ruth Schrimsher, who was Ruth Fields, has she got a brother living, if you know? A Yes, sir. She has got two brothers, Bud and George.

Q Where does George Fields live? A They live on Honey Creek.

Q What district? A Delaware.

Q What nation? A Cherokee Nation.

Q Indian Territory? A Yes, sir.

Q Are they recognized Cherokees? A Yes, sir.

Q Has she got a sister living? A Yes, sir.

Q What is her name? A Her name is Mary Dick.

Q Is she known as the widow Dick? A Yes sir.

Q Do you know where she lives? A Lives at Gatale.

Q What district? A Cooweescoowee.

Mr. Hastings: You knew that this woman was married in Missouri didn't you? A She always said so.

Q And you knew that she lived over there for ten years, didn't you? A No, sir, I don't.

Q Did you know her from 1875 to 1885? A Yes, sir, he used to work in the dining room right here in town.

Q During that time? A Yes, sir.

Q And her sister that was on the stand is mistaken about that?

A I don't know anything about that.

Q Now, on whose place did she work? A She worked at Mr. Johnson's hotel.

Q When? A When that old Boudinot house stood there.

Q What year was that? A I don't know, I didn't keep the count of it.

Q Was that 1866 or '76? A '66, No, '66, in '68 or '9.

Q Well, was about the year, about '78 or '9? A She worked by the months and weeks around wherever she got a chance.

Q Well, where? A She worked at her Uncle Lee Schrimsher's, and stayed at my house.

Q Now, where did she ever stay at your house during that time--- '75 to '85? A Well, from '75 to '85, I don't know that she stayed there at that time, only just in her vacations.

Q Now, don't you know that she was at her Aunt's, Rhoda Cork's from '75 to '85, and that this child was born there? A I know that she was at my house a month at a time.

Q Now, Mr. Jenkins, I want to know if you know during that special time, from '75 to '85? A I have no dates I told you, I know she frequently stayed at my house and her uncle's.

Q You don't know then that you knew of her between those dates?

A What.

Q You can't swear between those dates, you can't swear anything about her between 1875 and '85? A I can't swear, no, sir; I don't know anything in connection - I had business to tend to in them times; I had to go to Arkansas to get my bread, didn't have to keep dates.

Q Of the girl? A No, sir.

James S. Alexander, being duly sworn, by Commissioner Needles, testified as follows on part of applicant:

Mr. Davis: State your name. A James S. Alexander.

Q What is your age? A 58.

Q What kin are you to Charles A. Alexander? A Brother.

Q How long has Charles A. lived in the Cherokee nation? A Since 1885.

Q Where does he live now? A Out on West Cabin.

Q What is his mother's name before marriage? A Louisa J. Schrimsher.

Q What was her citizen? A Cherokee.

Q How? A By blood.

Q After you were married were you recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.

Q What way; did you vote? A Yes, sir.

- Q Were you ever refused a vote? A No, sir.
Q Have you always voted, after 1885? A Yes, sir.
Q Do you pay taxes to the Nation? A Yes, sir.
Q What kind of taxes, hay royalty? A I paid royalty on coal and paid my city taxes here in Vinita.
Q Have you got your tax receipts? A Yes, sir.
Mr. Davis: We ask leave to file these receipts showing that he has paid taxes.
Q Have you held land in the Cherokee nation, improvements, place?
A I do at present.
Q Have you got one now? A Yes, sir.
Q Where did your wife die? A She died on West cabin.
Q In the Cherokee nation? A About nine miles from here; yes, sir.
Mr. Hastings: Where did you marry? A I married in Pulaski County, Missouri.
Q When did you marry? A I married, March 11th, 1875.
Q When was this child born? A Born in May, 15th about, 1879, I reckon.
Q Where was it born? A In Pulaski.
Q Missouri? A Yes, sir.
Q When did you come back to the Cherokee nation? A 1885.
Mr. Davis: What year have you said it was born in; haven't you made a mistake, the child was a year old when you got back here?
A About year old.
Q Could it have been born in '79, if you got back here in '85? about a year old? (No response.)
Mr. Hastings: Well, he was born in 1884, you have made a mistake? A Yes, sir.
Q You lived there with your wife from 1875 to 1885? A Yes, sir.

Mr. Davis: I desire to offer in evidence the affidavit of J. Newton Schrimsher and affidavit of Lizzie Summers, in due form, sworn to and attested by a notary public.

Com'r Needles: By reason of the fact that the rules of the Commission provide that witness shall appear in person in order that they may be examined by the adverse parties, and no satisfactory reason is given as to why the witnesses cannot be produced in persons, the affidavits will be refused.
(Attorney states he cannot get the witnesses.)

This will be made a part of the record in R.#211.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.
Subscribed and sworn to before me this October 29th, 1901.

T. B. Needles,
Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript

E. G. Rothenberger.
Subscribed and sworn to before me this 24th day of July, 1902.

Bruce C. Jones, Notary Public
Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy and that the same is true and correct.

Subscribed and sworn to before me this 30th day of December, 1905.

Geo. H. Lessley
Myron White
Notary Public.

To be filed in Cher. D-1321.

Department of the Interior.
Commission to the Five Civilized Tribes,
Vinita, I. T., October 29th, 1901.

Supplemental testimony in the matter of the application for enrollment as a Cherokee citizen of Charles A. Alexander, R#211, introduced on part of applicant:

Appearances:

Mr. P. S. Davis, Attorney for Applicant,
Mr. Hastings, Cherokee Representative.

Elizabeth Kenworthy, being duly sworn and examined by Commissioner Breckinridge, testified as follows, on part of applicant:

- Q Your name, madam? A Elizabeth Kenworthy.
Q What is your age? A 52.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee nation? A All my life.
Mr. Davis: What was your name in 1880? A Summers I was put on the roll as Lizzie Summer.
Q Are you on the 1896 roll too? A Yes, sir.
Q Under what name were you enrolled on the 1896 roll? A Same name, Lizzie Summers.
Q What is your citizenship? A Cherokee.
Q How, by blood or adoption? A By blood.
Q Have you always been a recognized citizen of the Cherokee Nation?
A Yes, sir.

Mr. Davis: I will ask the roll of 1880 and 1896 to be examined for the name of Mrs. Summers.

- Q What district were you enrolled from? A Delaware.
Com'r Breckinridge: Whom were you with on that roll?
A George Summers.
Q What was your maiden name? A Schrimsher.
Q You were married to a man by the name of Kenworth at one time?
A Am now.
Q Then you were married once to a man named Summers? A George Summers in 1880.
Q Have you a child Arthur? A Yes, sir.
Q And child Calvin? A Yes, sir.
Q And child Frederick? A Yes, sir.
Q Children of your former marriage? A All Summer's children.

1880 Authenticated roll of Cherokee citizens examined and name of witness found thereon, page 311, #2265, Elizabeth Summers, Delaware district.

The 1896 census roll of Cherokee citizens examined and name of witness found thereon, page 538, #3027, Elizabeth Summers, Delaware district, Cherokee by blood.

Mr. Davis: Do you know the applicant in this case, Charles A. Alexander? A Yes, sir.

- Q What kin are you to him? A I am his aunt.
Q In what way? A I was his mother's sister.
Q His own mother? A Yes, sir.
Q What was her name? A Louise Schrimsher.
Q What was your maiden name? A Schrimsher.
Q What was the citizenship of the mother of Charles A. Alexander?
A Cherokee.
Q How? A By blood.
Q Was she recognized? A Yes, sir.
Q How long has Charles A. Alexander been living in the Cherokee Nation? A Ever since '85, they came back here in 1885.
Q Living here now? A Yes, sir.
Q Been here continuously since 1855? A Yes sir, I don't suppose he has been out since he came here.
Q What is his father's name? A Jim Alexander.

Mr. Hastings: Where was he born? A The child.
 Q Yes, sir? A I guess she was born in Missouri, but his mother went out to Missouri during the war. She went out there and come back, she made several trips; she had to work for a living.
 Q She married in Missouri? A Yes, sir.
 Q She lived there ten years with her husband before she came back to this country? A Yes sir.
 Q She was there with her husband? A Yes, sir.
 Q You don't know of her coming back here and living before 1885?
 A Yes, sir, she was here.
 Q With whom? A With her first husband, she was married before she married to Jim.
 Q She was married twice? A Yes, sir.
 Q Where was she married the first time? A In Missouri to a man named Sam Morrow and they moved back here and lived in Vinita.
 Q Did you ever visit them while they lived here in Vinita?
 A No, sir.
 Q Well, you never saw her until after 1885 then? A No, sir.
 Q You never saw her back here in the Territory until in 1885?
 A No, sir, I was living in Delaware district and wasn't here.
 Q That was about 50 or 60 miles? A Yes, sir, I guess it is I never visited there, I could hear of her being there.
 Q You never saw her until 1886? A No, sir.

Mr. Davis: You say she went back and forth from here to Missouri? A Yes, sir.

Q She went to Missouri during the war? A Yes, sir.
 Q Refugeed up there? A Yes, sir.
 Q Do you know whether this washer home here? A She called home here and stayed out here at different times.
 Q You say she worked out, poor? A Yes, sir.
 Q Did she have any place here in 1885 after she came back, kept any land, exercised any rights of citizenship? A I heard they taken a claim but I could not swear to that.
 Q Do you know whether this applicant has got any land or not? A Yes, sir.
 Q Do you know whether or not she got any share out of the Schrimsher estate? A Yes, Mr. Jenkins married our stepmother; and he bought part of our father's place.
 Q Do you know whether that place was administered in the Cherokee Courts? A I don't know; Lee Schrimsher was the Administrator.
 Q Wasn't this applicant, Charles A. Alexander, one of the heirs and wasn't it administered in the Cherokee Courts?

Mr. Hastings: I object to that; there is a record for that and the record is the best evidence.

Q I am asking you about how these things were ended; do you know whether she got a part of it through the Cherokee Court?
 A I don't know, I just got it through Mr. Jenkins, the fellow that lived on father's place, and they was trying to beat us out of it Jenkins was and we sold to him.

Com'r Breckinridge: This sister, the mother of Charles A. Alexander, was she older or younger than you? A She was younger. She was the youngest child.

Q How much younger than you? A She must have been six years younger; she was a little bit of a thing when mother died.
 Q I want to find out how much younger she was than you in order to fix her age; you think she was about six years younger than you?
 A Yes sir.

Q So she would be about 46 if she were living now? A Yes, sir.
 Q What is your best recollection of your sister's return from Missouri? A Why I come out here on a visit and saw her; she was at Mr. Abe Meeks' her brother-in-law's.

Q I asked you when? A It was directly after she came back, she came back in May I think.

Q When was that May, of what year? A I guess in '85.
 Q And your first recollection then of her returning from Missouri was in May, 1885? A I think it was, I heard she was here

and I come here and saw her.

Q You have no personal knowledge of her having returned before that time? A No, sir; that is all I would swear to is right there.

Q It seems that application was made for this child in October of last year and the claim was made that your sister had been readmitted to citizenship? A I know nothing about that.

Q You don't know anything about that? A I know a man wrote to me and I had it drawn up and paid for it and sent it to him.

Q When was that? A I don't know.

Q Has that been a good many years ago? A No, sir, he went to Tahlequah with it and claimed he was going to Tahlequah.

Q Well, has it been five years ago, or ten years ago?

A It has not been ten, it may be over five I don't swear to anything I don't know.

Q What kind of proceeding was that in which you applied your affidavit? A He said he wanted to go to Tahlequah and prove up their rights. He wanted to get them on the roll.

Q Were you giving the affidavit in the matter of getting your sister on the roll? A Of getting the children on the roll.

Q Was your sister dead at that time? A Yes, sir, there were three boys and one of them died once and one of them is in Missouri.

Q How long has your sister been dead? A She has been dead about 14 years I guess, at least her husband told me she was, I haven't got any date of it.

Q Is this child, Charles A. Alexander, your sister's youngest child?

A Yes, sir.

Q In the original application for this child the examining official calls special attention to the necessity of the Commission's being applied with an official copy of the Action of the Cherokee Council or Citizenship Court readmitting your sister to Cherokee citizenship, and I will repeat on this occasion that it is very desirable to have an official copy of that proceeding, which it has been asserted heretofore duly took place?

Mr. Davis: I will state we have been unable to get that; this is a witness in the case and the applicant's father has tried to get this copy and has been unable to obtain it. His testimony shows he did make application.

Com'r Breckinridge of Mr. Davis: That is for her readmission?

A To enroll these children.

Q Is there any evidence of the action? A No, sir.

Q They can't get any evidence of what action the Council took?

A No, sir; the man is here in town that prepared the papers, took this woman's affidavit and the Council is memorialized and there is no record of it we can get.

Mr. Davis of Witness:

Q Through whom do you claim your Cherokee citizenship, your father or your mother? A Through my mother.

Q To what family of Cherokee people did she belong? A The Fields, old Zeke Fields was my grandfather.

Com'r Breckinridge: This testimony will be filed as supplemental in Cherokee case R. 211, of Charles A. Alexander.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

4-

Subscribed and sworn to before me this November 8th, 1901.

T. B. Needles,
Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

E. G. Rothenberger.

Subscribed and sworn to before me this 24th day of July, 1902.

Bruce C. Jones
Notary Public.

-----c0o-----

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy and that the same is true and correct.



Subscribed and sworn to before me this 30th day of December, 1905.



Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---C---

In the matter of the application for the enrollment of
MAUD STEEL as a citizen by blood of the Cherokee Nation.

-- o o c --

D E C I S I O N.

The record in this case shows that on May 31, 1902, Maud Steel appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. The testimony taken in the case of Charles A. Alexander, Cherokee R No. 211, has been made part of the record in this case.

The evidence shows that Maud Steel, who was twenty-six years of age at the date of this application, is the daughter of Louisa Alexander, nee Schrimsher, a Cherokee by blood; that she was born in the state of Missouri and removed to the Cherokee Nation with her parents in 1885. She is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Maud Steel returned to the state of Missouri in 1894, was married there in 1895 and continued to reside in said state until March, 1902, when she again removed to the Cherokee Nation.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is therefore, the opinion of this Commission that the application for the enrollment of Maud Steel as a citizen by blood of the Cherokee Nation should be denied, under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Acting Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this Nov 20 1902

C7B

Cherokee R 793.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Maud steel for enrollment as a citizen by blood of the Cherokee Nation.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That on May 31, 1902, at Muskogee, Indian Territory, Maud Steel appeared before the Commission to the Five Civilized Tribes, and made application for enrollment as a citizen by blood of the Cherokee Nation. Copies of the testimony taken at Vinita, Indian Territory, October 2, 1900, and October 23, 26 and 29, 1901, in the matter of the application for the enrollment of Charles A. Alexander as a citizen by blood of the Cherokee Nation are filed herewith and made a part of the record herein.

The records further show that on November 20, 1902, the Commission to the Five Civilized Tribes rendered its decision herein denying said applicant the right to enrollment as a citizen by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department (I.T.D. 7898-1902). Thereafter, on April 24, 1904, at the request of said Commission, the Department remanded said case for readjudication (I.T.D. 7898-1902, 7162-1903).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein is a daughter of James S. Alexander, a non-citizen white man, and Louisa Alexander, a Cherokee by blood; that the said Louisa Alexander was born in the Cherokee Nation, but removed to the state of Missouri in 1868, where she married in 1875 the said James S. Alexander; that she continued to reside in the state of Missouri until she returned to the Cherokee Nation with her family in 1885, where she resided until the time of her death in 1887; that the applicant, Maud Steel, was born in the state of

Missouri in 1876, came to the Cherokee Nation with her mother in 1885, and resided therein until 1894; that in 1894 she left the Cherokee Nation returning to the state of Missouri, was married there in 1895 and continued to reside in said state with her husband until 1902, when she returned to the Cherokee Nation; that after returning to the Cherokee Nation in 1902 she remained therein but a short time when she again left said nation, and when last heard from by this office, July 12, 1904, was residing in the state of Colorado.

Said applicant is identified on the Cherokee census roll of 1896.

Without considering the right to enrollment as a citizen by blood of the Cherokee Nation that the said Maud Steel may have possessed prior to her removal from the Cherokee Nation in 1894, in 1894 she left said Nation, married in the state of Missouri in 1895, resided in said state with her husband until 1902, and the evidence fails to show that said applicant, during her absence therefrom has owned or controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

IT IS THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Maud Steel is not entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly denied.


COMMISSIONER

Dated at Muskogee, Indian Territory,
this DEC 25 1905

C O P Y.

WCF

DEPARTMENT OF THE INTERIOR, THE

Washington, April 4, 1904.*

I.T.D. 7898-1902.

7162-1903.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory..

Gentlemen:

January 5, 1903, the Department affirmed your decision rejecting the application for the enrollment of Maud Steel as a citizen of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The Indian Office concurred in your suggestion in its letter of October 7, 1903.

The Department considers it proper to remand this case, in order that further testimony may be taken, upon request of the applicant or the Cherokee Nation, and for readjudication in accordance with present rulings. The decision of January 5, 1902, is therefore rescinded and the testimony and papers attached are inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-793

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, April 16, 1904.

Maud Steel,

Care of James S. Alexander,

Vinita, Indian Territory.

Dear Madam:

On April 4, 1904, the action of the Secretary of the Interior of January 5, 1903, approving the decision of the Commission denying your application for enrollment as a citizen by blood of the Cherokee Nation, was rescinded and your case was remanded for further testimony and readjudication.

You are, therefore, hereby notified that any further testimony you may have tending to establish your right to enrollment can be presented at the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before May 16, 1904. Evidence is particularly required as to your residence.

Respectfully,



Commissioner in Charge
Cherokee Land Office.

HTK

Cherokee R-793
(D-1321)

Tahlequah, Indian Territory, April 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

On April 4, 1904, the action of the Secretary of the Interior of January 5, 1903, approving the Commission's decision denying the application of Maud Steel for enrollment as a citizen by blood of the Cherokee nation, Cherokee R-793 (D-1321), was rescinded and said case was remanded for further testimony and re-adjudication.

The applicant has this day been notified that any testimony she may have to introduce can be presented at the Cherokee Land Office of this Commission, at Tahlequah, I.T., on or before May 16, 1904, at which time you can, if you desire, be present and introduce testimony on behalf of the Cherokee Nation.

Evidence is particularly required as to the residence of the applicant.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MPM

Tahlequah, Indian Territory. May 26, 1904.

Commission to the Five Civilized Tribes,

(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

On April 16, Maud Steel was notified that her application for enrollment as a citizen by blood of the Cherokee Nation had been reopened and remanded by the Department for further testimony and that she could appear at this office on or before May 16 and introduce any further testimony she might have.

The applicant failed to appear and the letter addressed to her was returned unclaimed. The jacket and record in this case is now forwarded to the office at Muskogee for further appropriate action in the case.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MBR
Encl R-136

Cherokee R-793.

Muskogee, Indian Territory, June 1, 1904.

Eliza Kenworthy,

Vinita, Indian Territory.

Dear Madam:

In the matter of the application of Maud Steel for enrollment as a citizen by blood of the Cherokee Nation, the Commission is in receipt of Departmental letter of April 4, 1904, remanding this case for further testimony and a new decision.

On April 16, 1904, a letter was addressed to the applicant, care of James S. Alexander, Vinita, Indian Territory, advising her that she would be permitted to appear before the Commission and introduce further testimony in support of her application for enrollment, but said letter has been returned unclaimed.

From the record in this case it appears that you are a relative of the applicant, and if you are aware of the applicant's present whereabouts you are requested to advise the Commission at the earliest possible date, in order that she may be communicated with relative to her right to enrollment.

Respectfully,

Chairman.

Cherokee R-793.

Muskogee, Indian Territory, June 1, 1904.

Jane Bachtel,

Hudson, Indian Territory.

Dear Madam:

In the matter of the application of Maud Steel for enrollment as a citizen by blood of the Cherokee Nation, the Commission is in receipt of Departmental letter of April 4, 1904, remanding this case for further testimony and a new decision.

On April 16, 1904, a letter was addressed to the applicant, care of James S. Alexander, Vinita, Indian Territory, advising her that she would be permitted to appear before the Commission and introduce further testimony in support of her application for enrollment, but said letter has been returned unclaimed.

From the record in this case it appears that you are a relative of the applicant, and if you are aware of the applicant's present whereabouts you are requested to advise the Commission at the earliest possible date, in order that she may be communicated with relative to her right to enrollment.

Respectfully,

Chairman.

Pagoda Calo.

July 18 1914.

The Commission to the fine civilized cities
I have just received your communication
of June 1st 1914. addressed to

Linn. Backtel inquiring where I was.
and that I would be permitted to
appear before the Commission in
support of my application for
enrollment. I wish to know what
is necessary and if it is
absolutely necessary for me to
appear before the Commission
it is almost impossible for
me to come as I am at work

for wages for my support and
wages are so low that money is
scarce with me now I would
like to hear from you at once and
know what is really required of
me if further testimony is needed
I can make an affidavit before
a Notary Public here and send

if that will answer and for
further information you can
learn it of my aunt

Mrs Helen Sutherland Vinita J.T.
Mrs Mary Jane Bachtel Hudson J.T.
or my uncle A N Schrimsher
Wagoner J.T. and James S Alexander
address is Centerville J.C. when
answering this state plainly
what is required of me in for

INDEXED

4403

Steel, Maud.,
Pagoda, Colo.
July 12, 1904

Desires to know what will
be required of her to prove
her application for enroll-
ment.

file in
Ch. R 743

a section of the
apparent connection
between

Mount St. Helens

Puget Sound

in case of

Volcano.

L. J. Long.

Cherokee R-793.

Muskogee, Indian Territory, July 20, 1904.

Madam Steel,

Pagoda, Colorado.

Dear Madam:

The Commission is in receipt of your letter of July 12, stating that you are in receipt of the Commission's letter of June 1, addressed to your aunt, Jane Bachtel, in which it was stated that your application for enrollment in the Cherokee Nation had been recommended by the Secretary of the Interior, and it was requested that the Commission be advised of your present postoffice address in order that you might be notified to appear and give further testimony. You ask whether it will be necessary that you appear in person, and if so when you may make such appearance.

In reply you are advised that before the Commission can render a new decision in your case it will be necessary that you appear before the Commission and introduce additional testimony in support of your application. It is especially desired that you introduce testimony as to your residence.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, September 12, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee R-793.

Muskogee, Indian Territory, July 20, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Maud Steel for enrollment as a Cherokee citizen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced in support of the application. It is especially desired that testimony be introduced as to the applicant's residence.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, September 12, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

Cherokee R-211.

Cherokee R-793.

Muskogee, Indian Territory, August 12, 1904.

James S. Alexander,

Centralia, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 19, asking to be advised as to the status of the application for the enrollment of Charles Alexander and Maud Steel as citizens by blood of the Cherokee Nation. .

In reply you are advised that the Commission's records show that its decision of October 27, 1902, rejecting your application for the enrollment of your minor child, Charles A. Alexander, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 17, 1903. You are further advised that a copy of the Commission's decision in this case, was, on October 28, 1902, forwarded to you at Vinita, Indian Territory, and that same was returned, uncalled for. A copy of this decision is again herewith enclosed.

In the matter of the application for the enrollment of Maud Steel, you are advised that the Commission's records show that its decision, rejecting this applicant, was affirmed by the Secretary of the Interior on January 5, 1903, and that thereafter on April 4, 1904, this case was reopened and remanded for a rehearing by the Secretary of the Interior.

On July 20, 1904, this applicant was notified at Pagoda, Colorado, that she would be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, September 12, 1904, and introduce further testimony in support of her application for enrollment.

Respectfully,

Encl. S-24.

Commissioner in Charge.

Register.

COPY.

Cherokee R-793.

Muskogee, Indian Territory, February 4, 1905.

Mrs. Belle Sutherland,

Vinita, Indian Territory.

Dear Madam:

On July 18, 1904, the Commission received a communication from your niece, Maud Steel, Pagoda, Colorado, stating that you would be able to testify before this Commission relative to her right to enrollment as a citizen by blood of the Cherokee Nation.

If possible, the Commission desires that you appear before this Commission, at Muskogee, Indian Territory, and testify relative to the rights of said Maud Steel to enrollment as such citizen.

Respectfully,

Register.

(SIGNED). *Tams Birby.*
Chairman.

Cherokee
R 793

Muskogee, Indian Territory, December 29, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 29, 1905, rejecting the application for the enrollment of Maud Steel as a Cherokee by blood.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. GL-25.
GHL

Commissioner.

Muskogee, Indian Territory, December 29, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Maud Steel as a citizen by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, rejecting said application.

On April 24, 1904 (I.T.D. 7898-1902, 7162-1903), this case was remanded by the Department for rehearing and readjudication.

Respectfully,

Incl. OL-26.

GHL

Commissioner.

Through the
Commissioner of Indian Affairs.

Cherokee
R 793

Muskogee, Indian Territory, December 29, 1905.

Maud Steel,

Vinita, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee by blood, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 29, 1905, rejecting said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. GL-24.
GHL

Commissioner.

Register.

LAND
1178-1906

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Washington

February 19, 1906

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 29, 1905, transmitting the record of the application for the enrollment as a citizen by Cherokee blood of the Choctaw Nation by Maud steel.

December 29, 1905, the Commissioner decided adversely to the applicant.

The record shows that on November 20, 1902, the Commission to the Five Civilized Tribes rendered a decision denying the applicant enrollment and that the decision was affirmed by the Department; that thereafter, on April 24, 1904 (ITD 7162-1903) the Department remanded the case for readjudication.

The record further shows that the applicant is a daughter of James S. Alexander, a non-citizen white man, and Louisa Alexander, a Cherokee by blood; that the said Louisa Alexander was born in the Cherokee Nation but removed to the State of Missouri in 1868 where she married in 1875 the said James S. Alexander; that she continued to reside in Missouri until she returned to the Cherokee Nation with her family in 1885 where she resided until the date of her death in 1887; that the applicant

was born in the state of Missouri in 1876, came to the Cherokee Nation with her mother in 1885 and resided therein until 1895; that in 1894 she left the Cherokee Nation returning to the state of Missouri, was married there in 1895, and continued to reside there with her husband until 1902, when she returned to the Cherokee Nation, remained a short time and again left the Nation and when last heard from, on July 12, 1904, was residing in the State of Colorado.

The applicant is identified on the 1896 Cherokee census roll.

In view of the record and of Section 21 of the Act of June 28, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

MM

C

D. C. 8470-1906

I.T.D. 3234-1906

(C O P Y)

SECRETARY'S OFFICE

Y.P.
FHE

DEPARTMENT OF THE INTERIOR

WASHINGTON, D. C.

L R S

March 1, 1906

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 29, 1905, you resubmitted the record in the matter of the application for the enrollment of Maud Steel as a citizen by blood of the Cherokee Nation, including your decision of December 28, 1905, rejecting said application.

Reporting February 20, 1906, the Indian office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan

First Assistant Secretary

1 inclosure.

Cherokee R-793.

Muskogee, Indian Territory, March 7, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 29, 1905, rejecting the application for the enrollment of Vaud Steel as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 1, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-23

Acting Commissioner.

Cherokee R-793.

Muskogee, Indian Territory, March 7, 1906.

Maud Steel,

Pagoda, Colorado.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 29, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior March 1, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-22

Acting Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Return to Writer.
UNCLAIMED.

No. 20006
42

REGISTERED

FEB 9 1936
VINITA, IND. TER.

~~Maud Steel,~~

~~Vinita, Indian Territory.~~



Chas. Lind. Office.

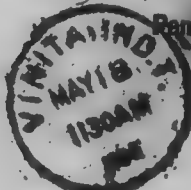
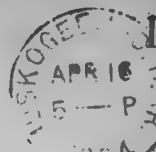
82

Return to Writer.
UNCLAIMED.

~~Maud Steel,~~

~~c/o James S. Alexander~~

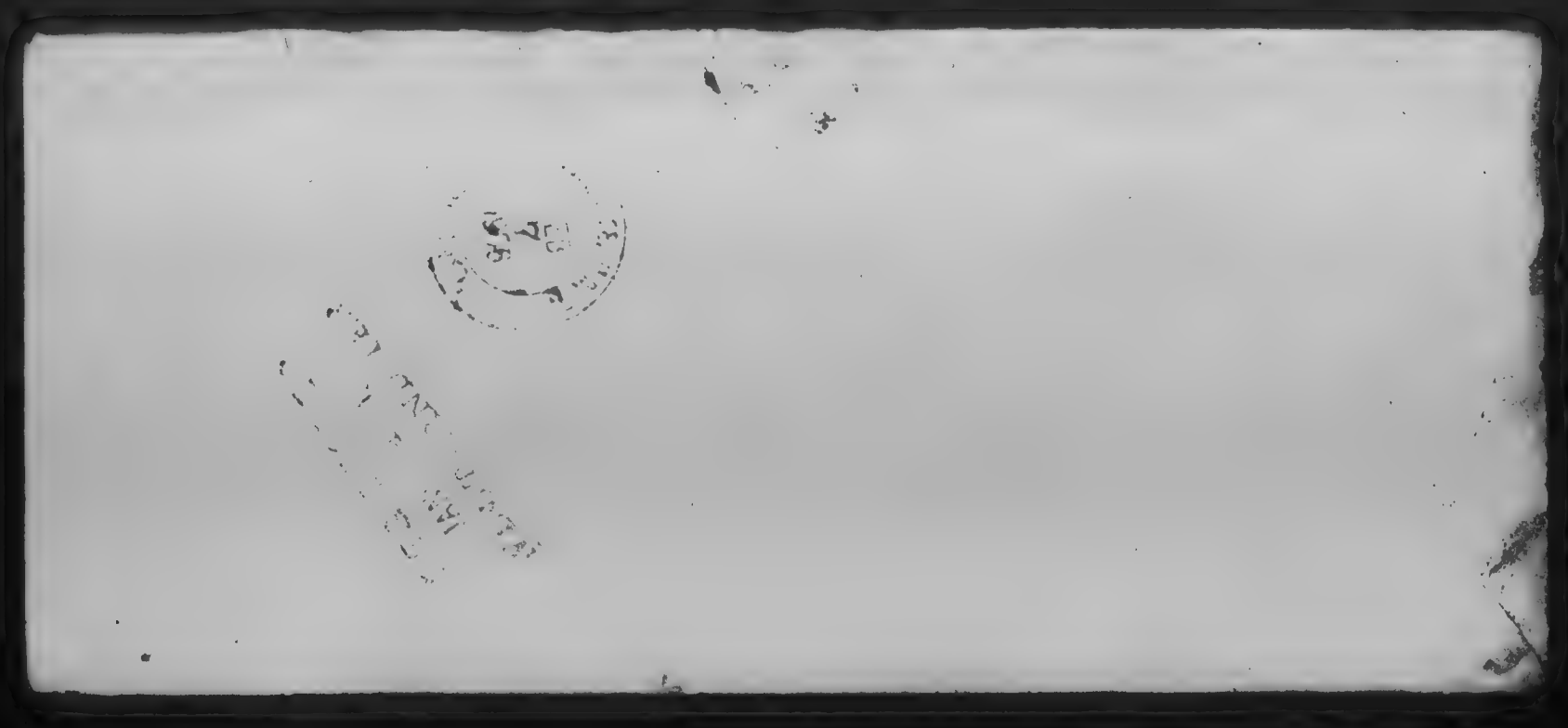
~~Vinita, Indian Territory.~~



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.
Penalty for private use, \$300.



Department of the Interior.

Commission to the Five Civilized Tribes.

*In the Matter of the Allotment of the Lands
of the Choctaws and Chickasaws.*

Maud A. L.

RECEIVED

A

SECRETARY OF THE INTERIOR

JAN 1 1904

792

Let

==

APR 1 1904

Transferred from C. Per.

CHEROKEE CASE

No. 01321

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE ⁷³⁵
APPLICATION FOR ENROLLMENT

Maud ^{OF} *Steel*

As 3 citizen of the Cherokee Nation.

Muskogee, I. T., JOY 3 190

Respectfully forwarded to the Secretary of the Interior
for review.

(SIGNED)

Tanne Tisby

Acting Chairman.

Cher R 794

Cher R 794

[illegible][illegible]

to the fact that the witness, in all cases, was present at the trial to the end of the proceedings, and he correctly recorded the proceedings in the testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes there of.

Sworn to and subscribed before me this 22nd day of September, 1900.

no public notes there i.
Robert B. Jones
 September, 1900
R. B. Jones

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 23 1900

[Faint, illegible handwritten text]

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(15) Name William D. Thompson Date SEP 25 1900 1900.
District COOWEESCOOWEE. Year 1896 Page 267 No. 11159
Citizen by blood yes Mother's citizenship _____
Intermarried citizen _____
Married under what law _____ Date of marriage _____
License _____ Certificate _____
Wife's name _____
District _____ Year _____ Page _____ No. _____
Citizen by blood _____ Mother's citizenship _____
Intermarried citizen _____
Married under what law _____ Date of marriage _____
License _____ Certificate _____

Names of Children:

| | | | | | |
|--|-----------------------------|------------------|-----------------|-----------------|---------------|
| 1 <u>Mattie E Thompson</u> | Dist. <u>COOWEESCOOWEE.</u> | Year <u>1896</u> | Page <u>267</u> | No. <u>4760</u> | Age <u>16</u> |
| 2 <u>John E</u> | Dist. <u>COOWEESCOOWEE.</u> | Year <u>1896</u> | Page <u>267</u> | No. <u>4761</u> | Age <u>14</u> |
| 3 <u>Eula E</u> | Dist. <u>COOWEESCOOWEE.</u> | Year <u>1896</u> | Page <u>267</u> | No. <u>4762</u> | Age <u>11</u> |
| 4 <u>Thomas H.</u> | Dist. <u>COOWEESCOOWEE.</u> | Year <u>1896</u> | Page <u>267</u> | No. <u>4763</u> | Age <u>5</u> |
| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| 1 in 1896 call as <u>Wm D. Thompson</u> | _____ | _____ | _____ | _____ | _____ |
| 4 in 1896 call as <u>Eula E Thompson</u> | _____ | _____ | _____ | _____ | _____ |
| 5 " " " <u>Thomas H.</u> | _____ | _____ | _____ | _____ | _____ |

TH 1

STATE OF THE DISTRICT OF COLUMBIA
1964

Given under my hand and seal of office this 1st day of January 1900 in the 20th year of the said President of the United States.

5 C. JACK V. A.

[illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-19-2001 BY SP-6 BJS/BJS

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
BY L. L. L.
NOV 14 1902

ACTING CHAIRMAN

STATE OF TEXAS, GREGG COUNTY.

To any Judge of the County or District Court, regularly licensed or ordained Minister of the Gospel or Justice of the Peace in and for said County of Gregg

Greeting:

You are hereby authorized to Solemnize the Rites of Matrimony between Mr. William D. Thompson and Miss Ella Spears, and make due return to the Clerk of the County Court of said County within sixty days thereafter, certifying your action under Seal of office.

At office in Longview this 1st day of May A. D. 1888.

R. B. Levy.

Clerk of the County Court of Gregg County Texas.

(L. S.)

I, I. Alexander, hereby certify that on the 6th day of May A.D. 1888 I united in marriage William D. Thompson and Miss Ella Spears the parties above named.

Witness my hand this 7th day of May A. D. 1888.

I. Alexander, Minister Gos.

Filed for Record and recorded this 14th day of May A. D. 1888 at 9 o'clock A. M.

R. B. Levy.

County Clerk of Gregg Co. Texas.

The State of Texas,
County of Gregg.

I, Dush Shaw Clerk of the County Court in and for Gregg County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the original marriage License as the same appears of Record in the Marriage Records of Gregg County Book "C" page 330. Given under my hand and Seal of office this 19th of February A. D. 1902.


Dush Shaw.

(SEAL)

Clerk of the County Court in & for Gregg Co. Texas.

-----oOo-----
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 14th day of November, 1902.


Notary Public.

Laws Cherokee Nation Extra Session Feby 1888.

Senate Bill No. 17.

An Act admitting parties therein named to Cherokee citizenship.

Be it enacted by the National Council: That the following named parties towit: Sarah Smith, Fannie E. Hamton, Frederick Beck, Ocoela Allen, Zoe May Hamton, grand children of Mrs. Martha Beck as Cherokees by blood, also Fannie Eliza Hamton, also the family of Ricard Riley Keys; 1, R. R. Keys, 2nd Amanda Keys, 3rd, Samuel H. Keys, 4th George Edward Keys, 5th Willie W. Keys or Willie N. Litton, 6th Nettie Litton, Also John Parker Collins, also James D. Mulkey, Anna Cora Mulkey, Alonzo Spencer Mulkey, Charles Alva Mulkey, Lewis Mulkey, Johnathan D. Mulkey, Eliza Jane Mulkey, Rose E. Mulkey, Willie Ross Mulkie, Also Joel Ellis Hildebrand, also W. D. Thompson, Exa Thompson, Hicks Ellington Thompson be and they are hereby readmitted to all the rights and privileges of Cherokee citizenship by blood.

Passed Senate Jan. 28, 1888.

M. Daniels,
Clerk Senate.

Lacy Hawkins,
President Senate.

Concurred in by the House this Feb. 1st 1888.

R. B. Choate,
Clerk Council.

Robert Meigs,
Speaker Council.

Approved,
J. B. Mayes,
Principal Chief.

Feb. 1st 1888.
Executive Office Cherokee Nation,
Tahlequah, I. T.


I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation, do hereby certify that the foregoing is a true copy taken from the record of laws passed by the National Council in extra session and approved by the Principal Chief in the year 1888; that said record is a part of the records of this Office and is in my custody.

Given under my hand and the seal of the Cherokee Nation
this 21st day of September 1900.
(SEAL)

B. W. Alberty,
Assistant Ex. Secretary Cher. Nation.

-----oO-----
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 14th day of November, 1902.

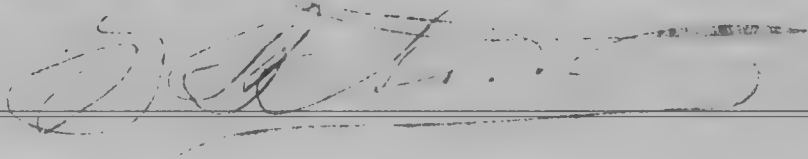

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., February 27, 1902.

In the matter of the application of William D. Thompson, for
the enrollment of himself and children as citizens of the Cherokee
Nation:

The applicant was notified by registered letter on February 11,
1902, that his application for the enrollment of himself and
children as citizens of the Cherokee Nation, would be taken up for
final consideration by the Commission on the 27th day of February,
1902, and that he could on said date appear before the Commission,
either in person or by attorney, when an opportunity would be given
him to introduce any further testimony affecting his application.

Applicant having this day, to-wit: the 27th day of February,
1902, been called three times, and failing to respond either in
person or by attorney, the case is ordered closed, and reported to
the Commission for final decision based upon the evidence now of
record.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William D. Thompson for the enrollment of himself and his four minor children Mattie E. Hicks E., Eula L. and Thomas W. Thompson as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on September 25, 1900, the applicant, William D. Thompson, appeared before the Commission at Vinita, Indian Territory and then and there made personal application for the enrollment of himself and his four minor children Mattie E., Hicks E., Eula L. and Thomas W. Thompson as citizens by blood of the Cherokee Nation.

It appears from the evidence in support of this application and from the records of the Cherokee Nation in possession of this Commission that William D. Thompson, Mattie E. Thompson and Hicks E. Thompson were admitted to citizenship in the Cherokee Nation by an act of the National Council approved February 1, 1883. It further appears that all those for whom application is made herein are duly identified on the 1896 Census Roll of the Cherokee Nation. It does not appear that the applicants or any of them have ever removed to and in good faith settled in the Cherokee Nation.

The authority of the Commission herein is defined in Par. 9, Sec. 21 of the act of Congress, June 28, 1898 (30 Stats., 495):

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is therefore the opinion of this Commission that William D. Thompson, Mattie E. Thompson, Hicks E. Thompson, Eula L. Thompson and Thomas W. Thompson are not lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in

Cherokee-D-427

Indian Territory, and that the application for their enrollment as
such should be refused, and it is so ordered.

COMMITTEE TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this NOV 12 1902

lo

B427

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 24 1902



COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902

Mr. William D. Thompson,
Kilgore, Texas,

Sir:-

You are hereby notified that the application of yourself and four minor children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 27th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of not admitting William D. and Mattie E. Hicks; also a certificate of marriage to Ella required.

Yours truly,

Cherokee D-427
Register.

Acting Chairman.

COPY.

Cherokee D 427.

Muskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William D. Thompson for the enrollment of himself and his four minor children, Mattie E., Hicks E., Lula L. and Thomas W. Thompson, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated November 12, 1902, rejecting said application.

Respectfully,

James Dixby.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 22.

CPY.

Cherokee D 427.

Muskogee, Indian Territory, November 14, 1902.

William D. Thompson,
Kilgore, Texas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your four minor children, Mattie E., Hicks E., Eula L. and Thomas W. Thompson, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated November 12, 1902, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

[Signature]

Acting Chairman.

Register.

Enclosure H. No. 20.

COPY.

Cherokee D 427.

Muskogee, Indian Territory, November 14, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, rejecting the application of William D. Thompson for the enrollment of himself and his four minor children, Mattie E., Hicks E., Lula L. and Thomas W. Thompson, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tame Dixby.

Acting Chairman.

Enclosure H, No. 21.

Copy.

Refer in reply to
the following:
Land
69336-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Dec. 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of William D. Thompson for the enrollment of himself and children as Cherokees by blood.

On November 12, 1902, the commission rendered a decision in this case holding that the application for the enrollment of the applicants herein should be refused for the reasons set forth therein as follows:

"The record in this case shows that on September 25, 1900, the applicant, William D. Thompson, appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of himself and his four minor children Mattie E., Hicks E., Eula L. and Thomas W. Thompson as citizens by blood of the Cherokee Nation.

It appears from the evidence in support of this application and from the records of the Cherokee Nation in possession of this Commission that William D. Thompson, Mattie E. Thompson and Hicks E. Thompson were admitted to citizenship in the Cherokee Nation by an act of the National Council approved February 1, 1888. It further

appears that all those for whom application is made herein are duly identified on the 1896 Census roll of the Cherokee Nation. It does not appear that the applicants or any of them have ever removed to and in good faith settled in the Cherokee Nation.

The authority of the Commission herein is defined in Par. 9, Sec. 21 of the act of Congress, June 28, 1898, (30 Stats., 495):

'No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.'

It is therefore the opinion of this Commission that William D. Thompson, Mattie E. Thompson, Hicks E. Thompson, Eula L. Thompson and Thomas W. Thompson are not lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be refused, and it is so ordered."

The office has examined the record evidence herein and considers that the facts set out in said decision are fully supported thereby.

The office therefore considers said decision is correct, and recommends that the same be approved and affirmed by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

(W.C.B.) P.

D.C.923-1903.

DEPARTMENT OF THE INTERIOR.

EAF.

ITD.7985-1902.

Washington, January 7, 1903.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the application for enrollment of William D. Thompson and his minor children, Mattie, E., Hicks E., Eula L. and Thomas W. Thompson, as citizens by blood of the Cherokee Nation.

The evidence shows that certain of these applicants were admitted to Cherokee citizenship in 1888, and that the applicants are identified on the 1896 Cherokee census roll; that none of the applicants has ever removed to and in good faith settled in the Cherokee Nation. In conformity to paragraph 9, section 21, act of June 28, 1898 (30 Stats., 495), you rejected the application November 12, 1902

Forwarding the papers December 20, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan;

1 inclosure.

Acting Secretary.

Cherokee D-427.

Muskogee, Indian Territory, January 16, 1903.

William D. Thompson,
Kilgore, Texas.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting your application for the enrollment of yourself and your four minor children, Mattie E., Hicks E., Eula L. and Thomas W. Thompson, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 7, 1903.

Respectfully,

Acting Chairman.

Cherokee D-427.

Muskogee, Indian Territory, January 16, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting the application of William D. Thompson for the enrollment of himself and his four minor children, Mattie E., Hicks E., Eula L. and Thomas W. Thompson, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 7, 1903.

Respectfully,

Acting Chairman.

Cherokee R-794

Muskogee, Indian Territory, February 4, 1903.

William D. Thompson,
Kilgore, Texas.

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application a certified copy of a marriage license and certificate showing your marriage on May 6, 1888, to Miss Ella Stears; also a certified copy of an Act of the Cherokee National Council readmitting to Cherokee citizenship yourself among others.

The same are herewith returned to you, copies having been made and retained in the files of this Commission.

Respectfully,

Acting Chairman.

Encl-S-80

GRS

C O P Y.

WCF

DEPARTMENT OF THE INTERIOR, FHE
Washington, April 4, 1904.

I.T.D. 7985-1902.
7162-1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 7, 1903, the Department affirmed your decision rejecting the application of William D. Thompson for the enrollment of himself and his minor children, Mattie E., Hicks E., Eula L. and Thomas W. Thompson, as citizens of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The Indian Office concurred in your suggestion, in its letter of October 7, 1903.

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, and his opinions of March 12, 1904, in the cases of Julia A. Moore, et al., and Mary L. Strickland, et al., the Department finds no reason to disturb its decision of January 7, 1903.

Respectfully,

Thos Ryan

Acting Secretary.

CHEROKEE

794

Five Civilized Tribes.

In the Matter of the Allotment of the Lands
of the Choctaws and Chickasaws.

William L. Thompson, et al

DENIED

ACTION APPROVED BY
SECRETARY OF INTERIOR.

794

JAN 7 1903

Transferred from file
D-42?

Cher R 795

Cher R 795

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 5, 1902.

In the matter of the application of Manche Stephenson for the enrollment of herself and child as citizens of the Cherokee Nation. The said Manche Stephenson, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Stephenson.
Q Full name? A Manche Stephenson.
Q How old are you? A I am about 52.
Q What is your postoffice address? A My present, well Ponanza, when I left where - when I come here -
Q Ponanza, Texas? A Colorado.
Q How long have you been in the Territory? A Oh, four or five days.
Q You claim to be a Cherokee by blood? A Yes, sir.
Q How much Cherokee blood do you claim? A Well I don't know, my mother, I think she was an eighth and my father an eighth.
Q Do you apply for anyone besides yourself, any children? A Yes, sir, I have three children.
Q Are they all under 21 years old? A One.
Q You will be permitted to apply only for the one under 21 years of age; what is its name? A Alice Stephenson.
Q How old is she? A She's 13.
Q What's the name of your father? A William Beattie.
Q Is he living or dead? A He's dead.
Q Was he a Cherokee? A Yes, sir.
Q What's your mother's name? A My mother's a Cherokee.
Q What's her name? A She was a Bazis before she was married.
Q Given name? A Emaline.
Q She living? A Yes, sir.
Q What's her name at this time? A Beattie.
Q Where does she live? A She lives over at Braggs across the river.
Q Illinois District? A Yes, sir.
Q What district did your father belong to? A My father's dead.
Q What district did he belong to when he was living? A Canadian.
Q Where were you born? A Tahlequah District I guess.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you continue to reside here after your birth? A Oh, I guess I was 29 years old before I went out of here.
Q Where did you go then? A I went to Colorado.
Q Have you been living there ever since? A No, I have been back and forth right along all the time.
Q How often have you been back? A This is the third or fourth time.
Q This is the third or fourth time in 23 years that you have been back to the Territory is it; you say you were 29 years old when you went away and you are 52 now? A Must have been older than that; I went there in '80.
Q Well that's 22 years ago? A Yes, sir.
Q You have been back about three or four times since that time? A Yes, sir.
Q How long did you remain? A Oh, a year and a half or two years.
Q Well is that the longest? A Yes, sir.
Q What was the name of your husband? A Stephenson.
Q His full name? A Cyrus Stephenson.
Q Is he living? A Yes, sir.
Q Where does he live? A He is in old Mexico somewhere.
Q Are you living with him? A No, sir.
Q When did you separate from him? A Well it's been eight years ago.
Q When were you married to him? A I was married in '78.

Q In the Cherokee Nation? A Yes, sir.

Q Have you ever been recognized as a citizen of the Cherokee Nation?

A I have never been anything else.

Q Have you ever drawn any money here? A Always, most every payment that I know of.

Q Is your name on the roll of 1880? A 1880, yes, sir.

Q What was your name at that time? A Stephenson.

Q What's your name now? A Well I go by the name of Mancho and Surmantha.

Q What is your name? A Well Surmantha I suppose.

Q How do you want to be enrolled, under the name of Mancho or Surmantha? A Well, Surmantha, I suppose, that's the way on there, I guess.

Q Well now you have got to decide one way or the other? A Well, Surmantha.

Q Did you have any children at that time when the roll of 1880 was made? A Two.

Q What were their names? A James and Thomas.

Q Did they have any middle names? A James William and Thomas Edward.

Q How old is your oldest child? A 29.

Q How old is the next child? A He's 26 or 6 I guess, will be in October.

Q What was the last time you were in the Cherokee Nation prior to this visit? A About six years ago.

Q This is the first time that you have been here for six years? A Yes, sir.

Q Did you own any property in the Cherokee Nation? A Yes, sir, I owned a home here, and all our household effects, and cattle, and horses, and everything.

Q When you went to Colorado the first time? A Yes, sir.

Q What's become of your cattle? A Well my mother has the cattle and my brother, and my brother's dead.

Q What became of them; that was 23 years ago? A Well they used them.

Q Have you ever received any pay for them? A Yes, sir.

Q In what way, how much money did you receive from the cattle? A I didn't receive any for the cattle nor the horses.

Q What did your household effects consist of? A Well, sewing machine, bedding and stoves and everything that would belong to a house.

Q What's become of those articles? A My mother has part of them there.

Q Did you ever take any of them away since that time? A No, sir, nothing.

Q Where was this child Alice Stephenson born? A She was born in Bonanza, Colorado.

Q What business, if any, was your husband engaged in during the time that you were living with him? A Mining.

Q Did he ever exercise the right of a citizen in the State of Colorado? A I think he did; I am not sure.

Q Did he ever return to the Cherokee Nation after your marriage?

A No, sir. He has never since we went out there, yes, sir, he was out there and came back here.

Q Was that before or after your separation? A Before.

Q How how long did you actually remain here at any one time since 1880? A Well as well as I remember 12 months.

Q What were you doing at that time? A Oh, just out here visiting my people. I had no home in spirit excepting a home here.

Q And you then returned to Colorado, did you? A Yes, sir, I had to go back and forth on account of my little girl's health. When I could stay here as long as her health might need and we had to go

about, I had to go back, and that's what kept me going back and forth.

Q The last six years, though, you have been a continuous resident of the State of Colorado? A I have been living around different places since.

Q Never been in the Cherokee Nation since that time? A No, sir.

Q Did you draw the strip money? A Yes, sir.

Q Did you draw it for your daughter Alice? A Yes, sir, this is my home; I don't have any other home but this.

Q Don't own any real-estate here in the Cherokee Nation, do you?

A Well I owned a place.

Q When? A Well up till when I don't remember; I left my brother-in-law here have the place.

Q Now when you went away from here in 1880 did you actually own any property? A Yes, sir, I owned a farm.

Q What became of that farm? A I let my brother-in-law have the farm, and my brother kept all the other effects.

Q Did you ever receive any rent from that farm? A No, my brother just had to keep it as his own for me.

Q Do you own any other property besides that? A Well I suppose I am entitled to some other property; I left my horses, hogs and cattle here, and household effects and this place.

Q What did you take with you to the State of Colorado? A I took a goods box with a few bed-clothes in it and everything else I left here.

Q Who owns that farm now? A My brother-in-law, here, did own it, but he sold it.

Q Did you get the money when he sold it? A Yes, sir.

Q How much? A Five hundred dollars I think.

Q Actually paid into your hands? A Yes, sir.

Q When? A Well now I can't tell you just exactly when.

Q Now the money for the farm was actually paid into your hands was it? A Yes, sir, through my brother.

Q Have you married since your separation from your first husband? A No, sir.

Q How much money did you receive from the payment? A Where?

Q How much money did you draw? A When we drew that time?

Q The last time you drew? A Well the old settler payment was the last payment.

Q How much money did you draw? A Let's see, how much was that? Two hundred and something wasn't it?

Q For each member of your family or just two hundred dollars all told? A Each one of my children, no, not for the old settler payment, but for the strip money.

Q Now how much did you draw per head for the strip money? A Well I don't remember; it was three hundred and something I think.

Q For how many children did you draw? A Three.

Q Don't you know that when that payment was made in 1894, and commonly known as the strip payment, that each man, woman and child received \$285.70 a head, did you receive that amount? A When was that?

Q That was the strip payment, the last payment ever made by the Cherokee Nation? A Yes, sir, I was here; I drew my money, but I don't remember just what the amount was.

Q Was it as much as five hundred dollars? A No, not to the head.

Q Well was it as much as five hundred dollars all told? A Oh, yes, it was more than that, the three children and myself, something over a thousand I think.

Q Was your husband living at that time? A Yes, sir.

Q Were you living with him at that time, I should have said, Cyrus Stephenson? A Yes, sir.

- Q Who drew this money for you? A I drew it myself.
Q You were here in the Cherokee Nation? A Yes, sir.
Q In what place? A I was down here at George Kirk's in Canadian District.
Q Was that payment made to you at the time the big payment was made or subsequent to that time? A It was made to me at the time of the payment.
Q Other people was there and received the payment at the same time? A George Kirk here and my two brother-in-laws, and my mother, Maline Venttie.
Q How long has your father been dead? A He's been dead - he died, let's see, he was killed the time of the war.
Q Did your mother remarry after his death? A No, sir.
Q Always gone by the name of Maline Venttie? A Yes, sir.

Applicant's mother not identified on the roll of 1880.
Applicant's mother not identified on the roll of 1896.

- Q Did you ever apply to this Commission in 1896 for admission to citizenship in the Cherokee Nation? A That was the strip payment, wasn't it?
Q Did you make a written application to this Commission in 1896?
A No, sir.
Q Did your husband? A I never had to, no.
Q How often did you draw money in the Cherokee Nation? A Let's see, three times.
Q What years? A I don't remember.
Q Haven't you any idea? A Well I drew the time of the strip payment, I was right here, the old settler payment, the next year, as well as I remember.
Q What place did you receive this money in 1894? A One time at Webbers Falls and the other time here; the last time here, the old settler payment was here, but the other, the strip payment, was at Webbers Falls.
Q That old settler payment, you know that's not a citizenship roll. A No, I know, but then I was just thinking I drew that here, the old settler, and the other in Webbers Falls; I am a poor hand to remember dates.
Q Was your husband, Cyrus Stephenson, a citizen by blood or a white man? A He was a white man.

1894 roll, page 98, No. 2071, Samantha Stephenson, Canadian District.

1894 roll, page 98, No. 2074, Alice Stephenson, Canadian District.

Applicant is not identified on the roll of 1880.

Applicant and her child are not identified on the Census Roll of 1896.

Samantha Stephenson applies for the enrollment of herself and her child, Alice Stephenson, as citizens of the Cherokee Nation. The applicant is not identified on the roll of 1880. She and her daughter are not identified on the Census Roll of 1896, but are identified on the strip payment roll of 1894 according to page and number set forth in the testimony. It appears from the testimony in this case that in or about the year of 1880 the applicant left the Cherokee Nation and went to the State of Colorado. It further appears that since 1880 she has been in the Cherokee Nation only three or four times for the purpose of visiting. During the past six years she has been a resident of the State of Colorado continuously. Her child, Alice Stephenson, was born in the State of Colorado. By reason of the fact that the applicant is

-5-

not identified on the roll of 1880, and for the further reason that she has not been a resident of the Cherokee Nation since 1880, final judgment as to her application for the enrollment of herself and child as citizens by blood of the Cherokee Nation will be suspended and their names will be placed on a doubtful card awaiting further consideration by the Commission.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of June, 1902.

J. R. Kester
Notary Public.

RECEIVED
U.S. DEPT. OF AGRICULTURE
WASHINGTON, D.C.
JUN 5 1902

CHEROKEES BY BLOOD AND ADOPTION.

Date June 5th 1908 1900.

Name

District..... Year..... Page..... No.....

Citizen by blood..... Mother's citizenship.....

Intermarried citizen.....

Married under what law..... Date of marriage.....

License Stephenson Certificate.....

Wife's name Benanga, Xcvi.

District Canadian Year 1894 Page 98 No. 2071

Citizen by blood Yes Mother's citizenship Am Berty - d-c Xcvi.

Intermarried citizen Emaline " S b-c Xcvi

Married under what law Stephenson Date of marriage.....

License Yes Certificate.....

Names of Children:

Alice Stephenson Ma Canadian Year 1894 Page 98 No. 2074 Age 13

Dist..... Year..... Page..... No..... Age.....

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 23, 1902.

In the matter of the application of Samantha Stephenson for enrollment of herself and child as citizens by blood of the Cherokee Nation.

Emeline Baty, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Emeline Baty.
- Q How old are you? A Nearly 75.
- Q What is your postoffice address? A Braggs.
- Q Are you the mother of the applicant here? A Yes sir.
- Q Where was she born? A Here in the Cherokee Nation.
- Q When did she leave the Cherokee Nation the first time? A Well I don't hardly remember.
- Q Where did she go to when she left? A To Colorado.
- Q How old was she? A I don't know how old she was then.
- Q Was she married or single? A She was married.
- Q About how long ago was that? A I reckon it was in the summer, she goes backward and forward.
- Q Where was the oldest child born? A In the Cherokee Nation.
- Q The next one? A In the Cherokee Nation.
- Q The next one? A In Colorado.
- Q How old is the child that was born in Colorado? A He is over 13.
- Q Had she always lived here prior to the time she went to Colorado? A Yes sir.
- Q Can't you form any opinion as to the time she went out there, about what year? Was it or how long ago? A It was in '80 I think.
- Q In the early part of '80 or the latter part of '80? A It was in August.
- Q In August of the year 1880? A Yes sir.
- Q When did she return the first time after going to Colorado - how long did she stay there before she came back the first time? A She was there as much as ten years.
- Q Before she ever came back? A I think so, I am not certain.
- Q You are testifying to the best of your knowledge? A Yes sir.
- Q How long did she remain the first time she came back from Colorado? A I believe it was two years.
- Q Did she ~~bring~~ bring her husband back with her? A No sir.
- Q Did she go back to Colorado at the expiration of those two years? A Yes sir.
- Q That was about 1890 then wasn't it? A I can't remember the years.
- Q How long has she been back here the last time? A She hasn't been back a month yet.
- Q How long was it she was here prior to this visit, when was the last time she was here before this last time? A I don't remember, it has been four or five years I think. She come back and drew money every payment that has been made; she went backwards and forwards. She has been backwards and forwards.
- Q Well if she came back every payment that was made she was here then in 1894, that was the last payment the Cherokees made; that was the big payment of \$265.70; was she here at that time? A Yes sir, she drew the strip money.
- Q Did she ~~come~~ come here personally and draw that money? A Yes sir.
- Q How long did she stay here at that time? A She was here about a year I reckon.
- Q Well ~~from~~ from that time up to the present time was she ever back here in the territory; that is, between 1894 or 1895 up to this last time, was she ever here? A No sir.
- Q As a matter of fact she is living in Colorado now? A No sir, she left there.
- Q Where is this child? A It is here in the nation.
- Q What is her present husband's name? A Stephenson.

2- Samantha Stephenson et al.

Q ~~Is~~ she living with him? A No sir, he took her to Colorado and he left her.

Q How often has she been married? A Just once.

Q ~~Where are these~~ ^{Where are these} older children of hers living? A One is in Mexico, some other place, I don't know. Her husband was sent away from here, he was a marshal, they sent him away from here to keep him from getting killed.

Q Where was your daughter living four years ago this month? A I guess she was in Colorado.

Q Don't you know she was? A I think she was, yes, she was.

Q Was she in the territory in '98 or where was she, where was she living at that time? A She was in Colorado I guess, she wasn't here.

Q You know she wasn't here in the territory at that time? A She wasn't here.

Q Did your daughter own any property when she left here? A Yes sir, she left a farm here and some stock on it and some house furniture.

Q What has become of her farm? A She ~~was~~ let her brother have it.

Q Did she ever get any money from it? A I think she did.

Q You know she received some money from the farm? A She received some I know of.

Q Was it for this farm? A Yes sir.

Q How much money did she receive? A The last time it was \$260.00.

Q How long ago? A It was after the strip payment.

Q Did she receive that money from her brother? A She received it from me, her brother was dead.

Q What has become of her household effects? A It is down there, some of it down there by Braggs where we are lived.

Q Since your daughter left the territory in 1880 how many times all told has she ever been back here? A She has been back three times.

Q How long was the longest time she ever remained here? A About two years, I think, and may be a little over and may be not quite so long, I don't exactly remember.

Q What did this household goods consist of that she claims to have left here? A Bedsteads and mattresses and lots of other things I can't remember.

Q According to her own statement she claims to have been away from here about twenty-two years, since 1880, do you mean to tell me you still have those bedsteads and this other stuff? A We haven't got the bedsteads.

Q Have you got the mattresses? A I don't believe we have.

Q As a matter of fact have you got a single thing that this woman left there when she went away? A Yessir, I have, I have several things.

Q What are they? A I have a wash kettle and some other vessels.

Q That she left with you twenty-two years ago? A Yes sir; a sewing machine.

Q Did she leave some live-stock with you? A Some hogs and cattle.

Q What became of them? A They were sold.

Q Did you ever pay her the money for them? A No sir.

Q None of them living now? A No sir.

Q Who is she living with now? A She is with her sister.

Q Where, at what place? A Close to Braggs.

Q You haven't given her back these household goods that you claim you held for her since she came back to the territory? A She hasn't got her place; she left a little land and she didn't know whether she would be allowed it or not.

Q Has she ever owned any property since she sold the farm right after the strip payment? A No sir.

J. O. Starr: There was a payment made to the Cherokees every time your daughter came to the Cherokee Nation wasn't there? A Yes sir,

Q She came back to get her name on the roll and get the money? A

She come and get it; she would be here and enroll with the balance.

Q She came because there was a payment to be made? A It might

3- Samantha Stephenson-

have been, I don't know.

Q Right after the payment she would always go back to Colorado?

A She always has, she has left Colorado.

Q How long has she been here this last time? A It aint a month yet.

Q Has she been living in Colorado ever since 1895 until a month ago? A Yes sir.

Applicant, Samantha Stephenson recalled: What is your name? A Samantha Stephenson.

Q You are the applicant in this case? A Yes sir.

Q When you left the Cherokee Nation in 1890 in what year did you again return? A The year of the strip payment.

Q Was that the first time you came back? A Yes sir.

Q How often have you been back? A Three times.

Q The first time you returned was in 1894 the year of the strip payment? A Yes sir; no, it was the year before I think; I must have been here a year before the payment.

Q Your mother just testified that you never have been back since the strip payment until the present time? A She told you I have been back three times.

Q She said you haven't been back here since the strip payment?

A I come back the time of the old settlers' payment.

Q When was that? A I don't remember the year.

Q Was it after the strip payment? A Yes sir.

Q Then from 1880 up to 1893 you never had been in the Cherokee Nation? A No sir.

Q And you came back how long before the strip payment? A It must have been a year I expect.

Q Are you positive? A No, I am not. I was here a good long while.

Q Was it as much as a year? A I think it was, I am not sure.

Q How long did you remain here after you received the money? A I don't think over one month.

Q You went back to Colorado? A Yes sir.

Q Did you bring the children with you? A I brought one, my little girl, the one I have with me now.

Q Where were the other two children? A One was in Denver going to school and the other is in Mexico.

Q Were they of age? A They are now, but they weren't then.

Q Were you living with your husband in 1894 when the strip payment was made? A I hadn't seen him for a good while, we didn't have any trouble up to that time.

Q Who was taking care of your children at that time? A They took care of themselves; one was going to school and the other was working in a mine out there.

Q When did you return the first time after the strip payment?

A It was in August.

Q Of what year? A It was the year it was paid out.

Q Was that the strip payment you are talking about? A Yes sir.

Q You came back that same year the payment was made? A I don't remember whether it was the same year the old settlers' payment was made or not.

Q Are you speaking about the strip payment or the settler payment?

A I am talking about the strip payment.

Q A while ago you said you came back a year before the strip payment was made? A I said I went back in August.

Q When did you return the next time after the payment? A I went back to Colorado in August and I returned back here - I started from there the 3rd day of September.

Q To the Cherokee Nation? A Yes sir.

Q How long did you remain then? A About fourteen months.

Q How long was it after you came before they made the old settler payment? A I don't know, it wasn't long after they made the old settler payment that I went back.

Q How long after the payment was made before you went back to Colorado? A About two or three months.

Q Did you bring your children with you? A The little girl.

Q Where were the others? A One was in Mexico and the other in

Colorado.

Q Now as a matter of fact from 1880 up to the present time you never made your home in the Cherokee Nation? A I left it as my home and I always considered it so.

Q How long did you live with your husband in Colorado? A I lived with him up until I went back after the strip payment.

Q That was in '95, about 15 years, from 1880 to 1895 you say? A Yes, I guess so.

Q During that time did your husband exercise the right of suffrage outthere, did he vote? A I guess he did.

Q Don't you know whether or not he voted? A I think he did.

Q Don't you know he did? A No sir, I don't know.

Q Do you mean to say you lived with him fifteen years and you did not know? A I couldn't say he voted unless I went there to see him.

Q Did he tell you so? A He said he was going to vote.

Q Did he ever run for any office outthere? A No sir; he has been in Mexico part of his time.

Q Where were you living four years ago this month? A In Bonanza, Colorado.

Q Is there any other statement you desire to make relative to your application? A That I had to go away from here on account of my little girl's health.

Q When was your little girl born? A In '88.

Q You went away from here before she was born? A She was born in '88 I think; she is thirteen years old.

Q You moved away in 1880? A It was '78 then; I will call it that then.

Q I want to know when she was born? A I am telling the best I know at the present time.

Q How old is she? A She is thirteen, she will be fourteen in September.

Q Well if she is fourteen years old in September she was born in 1888, that was eight years prior you left the territory? A I went out there in '80.

Q She was born in '88? A Yes sir.

Q Is that all you desire to state? A When was this '80 roll made, was it made after August, 1880?

Q I couldn't tell you. A I didn't know my name wasn't on the roll of '80, I have been told it was made after August in '80.

Q You didn't come back here in 1890 when they made the payment?

A I never came back for any payment before the strip payment.

Q You didn't come back in 1896 when they took the census did you?

A I guess not.

Q It wasn't a payment? A My ma said she had my name put down and they promised to put my name down, I don't know whether they did or not.

J. C. Starr: Where were you and your husband married? A Here in the Cherokee Nation, old Tim Walker married us.

Q Where did you go to from here? A We went down between here and Webb's Falls.

Q When you left the Cherokee Nation where did you go to Colorado?

A We left from Muskogee.

Q What point in Colorado? A To Bonanza.

Q What does your husband do there? A He was mining there. The Railroad Company sent him outthere and I went to him, and I have been going back and forth. And after he left me I couldn't come back because he left me in circumstances that wouldn't permit.

Q When did he leave you? A Right away after the strip payment.

Q Haven't you been back here - once since then? A Yes.

Q You came in 1893 because you heard there was going to be a

payment here? A I come because I wanted to come; I got the money.

Q And you left right after the money? A I left some time after, I won't say how long.

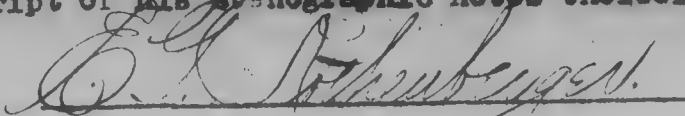
Q You came again afterwards because you heard there was going to be old settlers' payment? A I don't know that I came for that; I did come and I got it.

~~E-Samantha Stephenson-~~


Q And you went back? A Yes sir.

Commission: As a matter of fact you never have come to the Cherokee Nation since you went away in 1880 unless you knew there was going to be a payment? A Well I couldn't, I just came any way then because it was an advantage to me, but I come on a visit; I couldn't have and couldn't leave my children.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 27th day of June, 1902.


Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Q Are there any other persons for whom you desire to make appli-
cation for enrollment ?

A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

-1880 roll: Samantha Stephenson, page 46, # 1277, Canadian
District; Note: "In Colorado";
Also on 1894 roll, page 28, # 2071, Canadian District;

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this 16 day of July, 1902.

J. R. Reuter
Notary Public.

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Cher 1450.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

Samantha Stephenson, page 46, #1277, Canadian District.
Note: "In Colorado".
Also on the 1894 roll, page 98, #2071, Canadian District.

E. C. Bagwell, an oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 18, 1902.

B. O. Jones
Notary Public.

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Cher. D-1450.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 15, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of SAMANTHA STEPHENSON as a citizen by blood of the Cherokee Nation.

McCOY SMITH, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: Your name is McCoy Smith, your age is fifty-five, your post office address is Braggs, Indian Territory? A Yes sir.
Q You are a recognized citizen by blood of the Cherokee Nation?
A Yes sir.
Q Do you know Samantha Stephenson? A Yes sir.
Q She is a woman now about fifty-two years of age? A Yes sir.
Q Do you know her present post office address? A No sir, I don't.
Q Is she a Cherokee by blood? A Yes sir.
Q Do you know the name of her father? A Her father's name is William Beatty.
Q Is he living? A No sir, he is dead.
Q Was he a Cherokee by blood? A Yes sir, recognized as such.
Q Did he reside in Canadian District? A Only a little while. He was killed in 1864. He was killed in Canadian District in 1864.
Q Do you know the name of the mother of Samantha Stephenson.
A Yes sir, her name was Emiline Beatty.
Q Is she living? A Yes, she is living.
Q Is she a Cherokee by blood? A Yes sir.
Q Do you know her present post office address? A Braggs, I. T. Illinois District? A Yes sir, she resides in Illinois District. She lived in Canadian up to a few years ago.
Q How long have you known Samantha Stephenson? A I got acquainted with her in 1866.
Q Has she resided in the Cherokee Nation continuously since that time? A No sir.
Q Has she lived in the Cherokee Nation? A Yes sir.
Q How long has she been out of the Cherokee Nation?
A She left the Cherokee Nation, to the best of my recollection, in 1881.
Q Do you know whether or not she has returned to the Cherokee Nation since that time? A She came back here about six or seven years ago, the time of the Strip payment.
Q How long did she stay here at that time? A A couple of months.
Q Then she returned? A Yes sir, went back to Colorado.
Q Is her present residence in the State of Colorado? A Yes, I think it is. That is what I have been told, that they are living there yet.
Q Do you know whether she has any improvements in the Cherokee Nation or not? A No sir, I don't.
Q About what degree of Cherokee blood has Samantha Stephenson?
A About one-eighth.
Q Was Samantha Stephenson ever married? A Yes sir.
Q Do you know the name of her husband? A Stephenson is her husband, I can't think of his given name.
Q The 1880 roll shows that she was enrolled with one C. R. Stephenson, a white man. A That's it, she was married about 1880.
Q How long has it been since you have seen C. R. Stephenson?
A I have not seen him since about 1881.
Q Do you know whether he is living or not? A No sir, I don't.
Q Did he leave the Cherokee Nation with his wife Samantha? A Yes.
Q Have you known of his returning to the Cherokee Nation since that time? A No sir, he never came back with her.

Q Is it your understanding that they are living together now?
A Yes sir.
Q Did they have some children? A Yes sir, they had some children, but I don't know their names, I think there was two at that time.
Q I see the 1880 roll shows that they had two children enrolled with them at that time, J. C. Stephenson, a male, and S. E. Stephenson, also a male, children at that time seven and four years respectively. A He himself lived in Illinois District. After he married her they lived in Illinois District down there at the old Courthouse place on Illinois River, right south of Garfield on the Illinois River. They lived there, and I don't know but what he was living there somewhere in that neighborhood when he left the country. It was in 1881 when he left, I am positive of that.
Q Did C. R. Stephenson and his whole family leave the Cherokee Nation at that time? A Yes sir, they all left together.
Q Have you known of either of his children being back since that time? A No, only they may have come back with their mother. I saw their mother when she came back to get on the roll, but never saw the children.
Q That was the Strip payment roll? A Yes sir. And the old lady, I met her at Braggs, and she was telling me her daughter was coming back.
Q That is Samantha? A Yes sir.
Q You don't know whether she has returned to the country?
A No sir, I don't.
Q If she has you have not heard of it? A If she has I have not heard of it.
Q How far do you live from the mother of Samantha Stephenson?
A About six miles.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicants identified as follows:

Page 46, #1277, Samantha Stephenson, Canadian District, age 30, native Cherokee.

Page 46, #1276, C. R. Stephenson, Canadian District, adopted white, age 40.

Page 46, #1278, J. C. Stephenson, Canadian District, native Cherokee, age 7.

Page 46, #1279, S. E. Stephenson, Canadian District, native Cherokee, age 4.

1894 roll, page 98, #2071, Samantha Stephenson, Canadian District

1894 roll, Page 98, #2072, James Stephenson, Canadian District.

This testimony will be filed with and made a part of the record in the following Cherokee doubtful cases:

Samantha Stephenson, D-1450; C. R. Stephenson, D-1449;
J. C. Stephenson, D-1451; S. E. Stephenson, D-1452.

Q You state you are not sure whether he was living in Canadian or Illinois District in 1880? A Yes sir.

Q He lived in Canadian District a while, then moved over into Illinois, then came back to Canadian? A Yes sir, along about 1880, somewhere near Elm Grove.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded

the testimony and proceedings in this case, and that the foregoing
is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 26th day of August, 1902.

John Ross
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of
SAMANTHA STEPHENSON and her minor child, ALICE STEPHENSON, as citi-
zens by blood of the Cherokee Nation.
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D E C I S I O N .

The record in this case shows that on June 5, 1902, Samantha Stephenson appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself and her minor child, Alice Stephenson, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 23, 1902.

The evidence in this case shows that Samantha Stephenson, nee Beattie, at the time of this application, was fifty-two years of age. She was born in the Cherokee Nation and lived therein until 1880, at which time she removed with her husband, one Cyrus Stephenson, to whom she was married in 1872, to the state of Colorado, in which state her minor daughter, Alice Stephenson, the applicant herein, was born.

Samantha Stephenson and her minor daughter, Alice Stephenson, are identified on the Cherokee Nation Strip Payment Roll of 1891.

It further appears that, during the residence of said Samantha Stephenson in the state of Colorado, she returned to the Cherokee Nation three or four times, and the longest period of time she remained therein during these visits did not exceed two years. It further appears that her last return to the Cherokee Nation next preceeding the date of this application was about May, 1902, when she returned from Colorado, where she and her said daughter had resided continuously since 1895.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Samantha Stephenson and Alice Stephenson, as citizens by blood of the Cherokee Nation, should be denied under the provisions of the law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this OCT 30 1902

Cher.D1450

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., November 14, 1902.

In the matter of the application for the enrollment of
Samantha Stephenson as a citizen by blood of the Cherokee nation.

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SUPPLEMENTAL STATEMENT.

An examination of the 1894 pay roll of citizens by blood of the Cherokee nation shows that the applicant herein, Samantha Stephenson, is identified upon said roll Page 48, #2071, Canadian District.

The tribal rolls of the Cherokee Nation for the years 1883, 1886, 1890, and 1896 have been examined, and the name of the applicant cannot be identified of record thereon.

It is ordered that this statement be filed with and made a part of the record in the matter of the application for the enrollment of Samantha Stephenson as a citizen by blood of the Cherokee nation, Cherokee doubtful card 1450.

C. L. Buckmaster
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

a. J. M. S.
J. H. M.

In the matter of the application for the enrollment of
Samantha Stephenson et al as citizens of the Cherokee Nation,
consolidating the applications of:

| | | |
|-----------------------------|------------|-------|
| Samantha Stephenson et al., | Cherokee R | 795 |
| C. R. Stephenson, | Cherokee D | 1449 |
| J. C. Stephenson, | Cherokee D | 1451 |
| S. E. Stephenson, | Cherokee D | 1453. |

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DECISION.

THE RECORD IN THIS CASE SHOWS: That, on June 5, 1902, Samantha Stephenson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and minor child, Alice Stephenson, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had on June 23 and 30, at Muskogee, on August 15, at Tahlequah, and on November 14, 1902, at Muskogee, Indian Territory. The record further shows that on October 20, 1902, the Commission rendered its decision herein denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department. Thereafter, on March 28, 1904 (Departmental letter I.T.D. 7988-02-7162-03), said decision was rescinded by the Department, and case remanded for further testimony and readjudication. Through an oversight on the part of the Commission, the proceedings had in this case on June 30, at Muskogee, and on August 15, 1902, at Tahlequah, Indian Territory, were omitted from the record as forwarded to the Department, and they, together with the proceedings had herein on November 14, 1902, at Muskogee, Indian Territory, are now filed in their chronological order and made a part of the record in this case.

The record further shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made applications for the enrollment of C. R. Stephenson, J. C. Stephenson and S. E. Stephenson, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had on November 14 and 15, 1902, at Muskogee, Indian Territory.

Since the case of Samantha Stephenson et al., was remanded for further testimony, the Commission has used due diligence to locate all the applicants in the case as now consolidated but has reached only the applicant, J. C. (W.) Stephenson, as evidenced by his letter of February 4, 1905, filed herewith, and to which attention is particularly called.

In view of the foregoing, this case is considered closed, and will be adjudicated on the evidence now of record.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Samantha, Alice, J. C. and S. E. Stephenson, are Cherokees by blood, and that the applicant, C. R. Stephenson, was an adopted white citizen of the Cherokee Nation; and that all the adult applicants herein are identified on the authenticated Cherokee tribal roll of 1880, and the applicants, Samantha, Alice and J. C. Stephenson, are identified on the Cherokee Strip payment roll of 1894, but that said applicants cannot be identified on any other roll of the Cherokee Nation in the possession of the Commission. In support of her application for enrollment, Samantha Stephenson appeared before the Commission on June 5 and 23, 1902, and testifies that she is fifty-two years old, that she has been in the Cherokee Nation four or five days, and that her postoffice address is Bonanza, Colorado; that she is a Cherokee by blood, was born in the Cherokee Nation, and continuously resided therein until about the year 1880; that in 1872 she was married to the applicant, C. R. Stephenson, and that the applicant, J. C. Stephenson, was born to them in 1873, and the applicant, S. E. Stephenson, in 1876 or 1877; that she and her husband and two children, continuously lived in the Cherokee Nation until some time in the year 1880, when they removed to the state of Colorado, and that her said husband and said two sons have since continuously lived outside the limits of the Indian Territory, and that, excepting occasional visits to the Cherokee Nation she has since continuously lived in said state of Colorado; that the minor applicant, Alice Stephenson, was born to her and her said husband in Colorado in 1888, and has continuously lived with her since birth; and that, at the time of her removal from the Cherokee Nation in 1880, she owned a farm in said Nation, and left some horses, hogs, cattle and household effects therein, that later, the farm was sold and the money paid into her hands, but does not know what became of the livestock. She further testifies that after her removal from the Cherokee Nation as above indicated, she and her child, Alice Stephenson, returned to the Cherokee Nation in 1893 and remained eighteen months, and again in 1895 and remained fourteen months. On cross-examination applicant admits that by reason

of the advantage accruing to her, her visits to the Cherokee Nation were timed to include the Cherokee Strip and Old Settlers' payments, and that within a short time after each payment was made, she, with her child, returned to Colorado.

On June 23, 1902, Emiline Baty, mother of the said Samantha Stephenson, testifies in this case, and on direct examination her testimony on all material points corroborates that of her daughter; and further testifies, that she disposed of the said livestock left in the Cherokee Nation by her said daughter on her removal therefrom, and that of the said household effects left as above indicated, only "a wash kettle and some other vessels" remain. On cross-examination she admits that there was a payment made to the Cherokees each time her daughter visited the Cherokee Nation, and that, immediately after the payments were made, her said daughter returned to Colorado.

On August 15, 1902, at Tahlequah, Indian Territory, McCoy Smith testifies before the Commission in this case, but his testimony serves only to corroborate that of the witnesses as above set out.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that, following the ruling of the Department in the case of Clara A. Ward, (I.T.D. 5878 - 10132-04), the applicants, Samantha and C. R. Stephenson, prior to September 1, 1902, expatriated themselves from the Cherokee Nation, under the provisions of Section II, Article I, Cherokee Constitution, which, in part, provides:

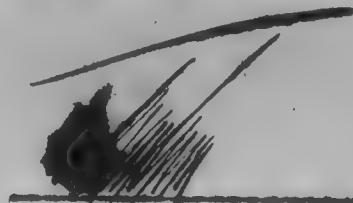
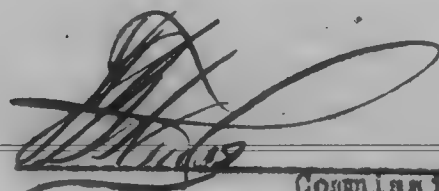
"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

And that the applicants, J. C. and S. L. Stephenson, were, on September 1, 1902, not less than twenty-nine and twenty-five years old, respectively, and, having failed to return to and permanently locate in the Cherokee Nation within a reasonable time after reaching their majority, their citizenship in the Cherokee Nation was forfeited under the doctrine established by the rulings of the Department in the cases of James Hunter et al., (I.T.D. 1970-03), Cleveland M. Patrick, (I.T.D. 1448-03), George Ewers Jr., et al., (I.T.D. 7066-02), Peggy A. Harlow et al., (I.T.D. 1446-03), Richard M. Locker et al., (I.T.D. 6476-03), Frederick Garrett et al., (I.T.D. 6478-03) and Archie A. Thornton (I.T.D. 5873-02); and that the minor applicant, Alice Stephenson, was born subsequent to the date that her parents forfeited their rights to citizenship in the Cherokee Nation, and that she possesses no rights to enrollment as a Cherokee citizen other than as a descendant of her said parents.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That, for the reasons herein set forth, its decision of October 20,

1902, should be re-affirmed, and that the application for the enrollment of Samantha Stephenson and Alice Stephenson, as citizens by blood, and the applications for the enrollment of C. R. Stephenson, J. C. Stephenson and S. E. Stephenson, as citizens, of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman
Commissioner
Commissioner

Dated at Muskogee, Indian Territory,
this JUN 16 1905

COPY

Muskogee, Indian Territory, October 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Samantha Stephenson for the enrollment of herself and her minor child, Alice Stephenson, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated October 30, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 18.

COPY.

Cherokee D 1322.

Muskogee, Indian Territory, October 31, 1902.

Samantha Stephenson,
Braggs, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, Alice Stephenson, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated October 30, 1902, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

R. J. ...

Com.

Acting Chairman.

Register.

Enclosure H. No. 16.

COPY.

Cherokee D 1322.

Muskogee, Indian Territory, October 31, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 30, 1902, rejecting the application of Samantha Stephenson for the enrollment of herself and her minor child, Alice Stephenson, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. 22

Com

Acting Chairman.

Enclosure H. No. 17.

Cherokee
D-1450-1-2.

Muskogee, Indian Territory, November 24, 1902.

Emaline Batey,

Braggs, Indian Territory.

Dear Madam:-

Application has heretofore been made to this Commission for the enrollment, as citizens of the Cherokee Nation, of your daughter, Samantha Stephenson, and her children, J. C. and S. E. Stephenson.

The Commission desires further evidence as to the residence of these persons and you are, therefore, required to appear before the Commission at its office at Muskogee, Indian Territory, on or before December 15, 1902, for the purpose of testifying as to the residence of the said Samantha, J. C. and S. E. Stephenson.

Respectfully,

Acting Chairman.

Cherokee
D-1450-1-2.

Muskogee, Indian Territory, November 24, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that Emaline Batey of Braggs, Indian Territory, has this day been notified to appear before the Commission on or before December 15, 1902, for the purpose of testifying as to the residence of Samantha, J. C. and S. E. Stephenson, these persons appearing upon Cherokee doubtful cards, D-1450, D-1451 and D-1452.

Respectfully,

Acting Chairman.

Refer in reply to
the following:

Land
66030-1902.

Copy.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Dec. 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Samantha Stephenson, et al., for the enrollment of herself and her minor child, Alice Stephenson, as citizens by blood of the Cherokee Nation.

On October 30, 1902, the commission rendered a decision in this case finding that the application of the said Samantha Stephenson for the enrollment of herself and her minor daughter, Alice Stephenson as citizens by blood of the Cherokee Nation should be denied by reason of the facts set forth in said decision, as follows:

"The record in this case shows that on June 5, 1902, Samantha Stephenson appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself and her minor child, Alice Stephenson, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 23, 1902.

The evidence in this case shows that Samantha Stephenson, nee Beattie, at the time of this application, was fifty-two years of age. She was born in the Cherokee Nation and lived therein until 1880, at which time she removed with her husband, one Cyrus

Stephenson, to whom she was married in 1872, to the State of Colorado, in which state her minor daughter, Alice Stephenson, the applicant herein, was born.

Samantha Stephenson and her minor daughter, Alice Stephenson, are identified on the Cherokee Nation Strip Payment Roll of 1894.

It further appears that, during the residence of said Samantha Stephenson in the state of Colorado, she returned to the Cherokee Nation three or four times, and the longest period of time she remained therein during these visits did not exceed two years. It further appears that her last return to the Cherokee Nation next preceding the date of this application was about May, 1902, when she returned from Colorado, where she and her ^{said} daughter had resided continuously since 1895.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides:

'No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.'

It is, therefore, the opinion of this Commission that the application for the enrollment of Samantha Stephenson and Alice Stephenson, as citizens by blood of the Cherokee Nation, should be denied under the provisions of the law above quoted, and it is so ordered."

The office has reviewed the record evidence herein and considers that the said decision of the commission is fully supported

-3-

thereby, and therefore recommends that the same be approved and confirmed by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

(W.C.B.)

P.

D.C.925-1903.

DEPARTMENT OF THE INTERIOR.

EAF.

ITD. 7988-1902.

Washington, January 8, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 31, 1902, you transmitted the record in the matter of the application for enrollment as citizens of Cherokee Nation, of Samantha Stephenson and her minor child, Alice Stephenson.

The applicants, you state in decision of October 30, 1902, are identified on the Strip payment roll of 1894. The evidence shows that Alice Stephenson was born in the State of Colorado, and that the applicants resided continuously in said State from 1895 to May, 1902. In accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495), you denied the application.

Forwarding the papers December 20, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee D-1322.

Muskogee, Indian Territory, January 16, 1903.

Samantha Stephenson,

Briggs, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated October 30, 1902, rejecting your application for the enrollment of yourself and your minor child, Alice Stephenson, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 8, 1903.

Respectfully,

Acting Chairman.

Cherokee D-1322.

Musjogee, Indian Territory, January 16, 1903.

W. W. Hastings,

Attorney for Cherokee nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 30, 1902, rejecting the application of Samantha Stephenson for the enrollment of herself and her minor child, Alice Stephenson, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 8, 1903.

Respectfully,

Acting Chairman.

(COPY)

I.C.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE.

I.T.D. 7988-1902
7162-1903.

March 28, 1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 8, 1903, the Department affirmed your decision rejecting the application of Samantha Stephenson, for the enrollment of herself and her minor child, Alice Stephenson, as citizens by blood of the Cherokee nation.

On September 21, 1903, you requested that the case be remanded, that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In your suggestion the Indian Office concurred in letter of October 7, 1903.

The Department considers it proper to remand this case, in order that further testimony may be taken, upon the request of the applicants or the Cherokee Nation, and for readjudication in accordance with present rulings. The decision of January 8, 1903, is therefore rescinded and the testimony and papers attached thereto are inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

(MH)

Cherokee R-795

Tahlequah, Indian Territory, April 11, 1904.

Samantha Stephenson,

Bragg, Indian Territory.

Dear Madam:

You are hereby advised that on March 28, 1904, the approval by the Secretary of the Interior of the Commission's decision, heretofore rendered denying your application for enrollment as a citizen of the Cherokee Nation, was rescinded and your application was remanded to the Commission that further testimony might be taken.

You are now notified that any further testimony you may have to introduce in your case can be presented at the Cherokee Land Office of this Commission at Tahlequah, I.T., on or before May 11, 1904. Evidence is particularly required as to your residence.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

Cherokee R-795

Tahlequah, Indian Territory, April 11, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

On March 28, 1904, the Secretary of the Interior rescinded his action of January 8, 1903, confirming the Commission's decision rejecting the application of Samantha Stephenson for enrollment as a citizen of the Cherokee nation, Cherokee R-795 (D-1322). The case has been remanded for the taking of further testimony and the applicant has this day been notified that any further testimony she may have to introduce can be presented before the Cherokee Land Office of this Commission at Tahlequah, I.T., on or before May 11, 1904.

You can, if you desire, be present at that time and introduce testimony on behalf of the Cherokee Nation.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFN

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING NO:
Cherokee R-795,

et al.

ADDRES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 16, 1905.

Samantha Stephenson,
Braggs, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of yourself, your husband C. R. Stephenson, and your children, Alice, J. C. and S. E. Stephenson, as citizens of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-15
Register


Chairman.

COPY.

Cherokee R-795,

et al.

Muskogee, Indian Territory, June 16, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of Samantha Stephenson, et al., as citizens of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-16.

Wm. L. Bixby,
Chairman.

Cherokee R-796,
et al.

Muskogee, Indian Territory, June 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Samantha Stephenson, et al., as citizens of the Cherokee Nation, including the Commission's decision dated June 16, 1902, rejecting said applications.

The Commission's decision rejecting the application for the enrollment of Samantha and Alice Stephenson as citizens by blood of the Cherokee Nation, affirmed by the Secretary of the Interior on January 8, 1903, was, on March 28, 1904, remanded by the Department for readjudication.

Respectfully,

(SIGNED) *Tamc Bixby.*
Chairman.

Incl. S-17

Through the

Commissioner of Indian Affairs.

Cherokee

H-790.

Muskogee, Indian Territory, August 11, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is inclosed herewith a copy of Departmental letter of August 1, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of Samantha, T. P., Alice, J. C., and S. E. Stephenson, as citizens of the Cherokee Nation.

Respectfully,

Incl. L-192.

Acting Commissioner.

GHL

REFER IN REPLY TO THE FOLLOWING:

Cherokee
R-795.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JH*

Muskogee, Indian Territory, August 11, 1905.

Samantha Stephenson,
Braggs, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of yourself, your husband, C. R. Stephenson, and your children, Alice, J. C., and S. E. Stephenson, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 1, 1905.

Respectfully,

W. C. Beall

Acting Commissioner.

GHL

D. C. 52012-1905

I.T.D. 8908-1905

L. R S

Y.P.

FHE

DEPARTMENT OF THE INTERIOR

WASHINGTON.

November 14, 1905

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory.

Sir:

You are advised that there are pending in the Department motions to reopen the Cherokee enrollment cases of Frances E. Forbes et al., and Cora Kerns. See letters of the Commission to the Five Civilized Tribes of July 29, 1902, and November 24, 1902.

Respectfully,

(Signed)

THOS RYAN
First Assistant Secretary

Through the

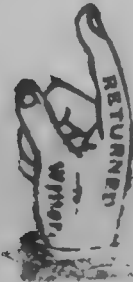
Commissioner of Indian Affairs.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

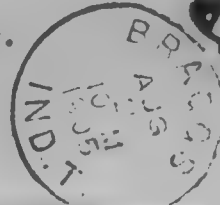
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Samantha Stephenson,
Briggs, Indian Territory.



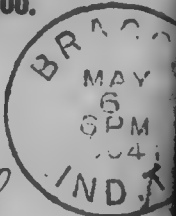
Cherokee Land Office
Tahlequah.

Advising that Secretary of the Interior has reversed Commission decision in re application for further testimony and that same may be presented at Land Office, Tahlequah.

Samantha Stephenson,
Briggs, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
Penalty for private use, \$300.



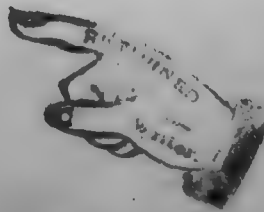
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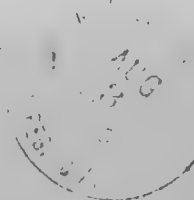
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

UNCLAIMED

Chas R 795

Samantha Stephenson,
Briggs, Indian Territory.





CHEROKEE SE NO

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

20871

IN THE MATTER OF THE
APPLICATION FOR ENROLLMENT

OF
Samantha Stephenson
Alice Stephenson

| | |
|------------------|------|
| DEC 22 1902 | 7988 |
| Enc. No. | 7988 |
| Indian Territory | EPIC |
| 1904 | 1740 |

As citizen of the Cherokee Nation.
+ Encl

Muskogee, I. T., 190

Respectfully forwarded to the Secretary of the Interior
for review.

Acting Chairman.

Cher R 796

Cher R 796

2-157

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES:

FILED
JUL 18 1900


ACTING CHAIRMAN

RECEIVED
JUL 18 1900
U. S. DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
WASHINGTON, D. C.

RECEIVED
JUL 18 1900
U. S. DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
WASHINGTON, D. C.

RECEIVED
JUL 18 1900
U. S. DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
WASHINGTON, D. C.



COMMISSIONER

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
WESTVILLE, I. T., JULY 16th, 1900.

IN THE MATTER OF THE APPLICATION OF Cora Kerns for enrollment as a citizen of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows :

- Q What is your name? A Cora Kerns .
Q What is your age? A Twenty .
Q What is your Postoffice address ? A Westville.
Q Your district ? A Going Snake.
Q For whom do you make application? A For myself.
Q Yourself alone? A Yes sir.
Q Do you apply as a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim? A A thirty second, I believe.
Q How long have you lived in Going Snake District? A I have been here this time ever since the first of January last.
Q Where were you born? A In Georgia.
Q When were you here before ? A In 1893, and stayed until the Summer of 1894 .
Q And then you went where? A To Georgia with my mother.
Q This lady here a minute ago? (Referring to Frances E. Forbes)
A Yes sir.
Q You were born in Georgia ? A Yes sir.
Q And did you live in Georgia all your life before 1893? A Yes sir.
Q Is that the extent of your residence in the Territory? A Yes sir.
Q Is your name on any of the Rolls of the Cherokee Tribe ?
A Yes sir; it is on the rolls here of the Cherokee Tribe.
Q Are you married? A Yes sir.
Q When did you marry? A Last October, 1899.
Q You claim to have been admitted by action of the Council or Cherokee authorities. A The Cherokee authorities; there was a lawyer here put our claims through; I reckon we were admitted by the Cherokee Nation.
Q Have you a certificate of admission? A My name is in my mothers certificate.
Q As Cora Forbes ? A Yes sir.
Q Where is that certificate ? A It was sent to the Dawes Commission.
Q In what year was it sent to the Dawes Commission? A In 1897, I believe.
Q For what purpose was it sent to the Dawes Commission.
A Mr. Burt just wrote to us that he wanted the certificate to send to the Dawes Commission; I do not know for what purpose it was sent there; it was sent there; I do not know what it was sent for.
Q Do you own property in the Cherokee Nation? A No sir; I do not own property any where.
Q Are you keeping house? A Yes sir; right here in town.
Q What business does your husband follow? A Railreading.
Q Where is your husband? A Georgia.
Q Did he come here with you? A Yes sir.
By Mr. W. W. Hastings, Cherokee Representative:
Q You were married in Georgia ? A Yes sir.
Q You went back to Georgia in 1894, immediately after the Cherokee payment? A Yes sir .
Q And remained until January, 1900? A Yes sir.

By the Commission :
Madam, your application will be put upon a doubtful card, and will be further considered by the Commission; when a decision is reached, you will be informed by mail at your present postoffice address: If there is any other evidence you want to submit in the near future, you may forward it to the Commission to its offices at Muskogee, and it will be taken into consideration in connection with your application.

When a decision is reached, the case will be reported to the Secretary of the Interior, who will pass upon it finally.

R. R. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

R R Cravens

Sworn to and subscribed before me this ^{18th} day of July, 1900.

[Signature]

COMMISSIONER.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date July 16, - 1900.

| Name | Address | City | State | Zip | Phone | Age | Sex | Religion | Marital Status | Occupation | Education | Income | Assets | Liabilities | Net Worth | Comments |
|-------------------|-----------------|---------------|-------|-------|--------------|-----|-----|------------|----------------|----------------------|-------------|----------|-----------|-------------|-----------|----------|
| John Doe | 123 Main St | New York | NY | 10001 | 212-555-1234 | 35 | M | Catholic | Married | Software Engineer | High School | \$75,000 | \$150,000 | \$50,000 | \$100,000 | |
| Jane Smith | 456 Elm St | Los Angeles | CA | 90001 | 213-555-5678 | 28 | F | Protestant | Single | Marketing Executive | College | \$60,000 | \$80,000 | \$20,000 | \$60,000 | |
| Robert Johnson | 789 Oak St | Chicago | IL | 60601 | 312-555-9012 | 42 | M | Jewish | Married | Accountant | High School | \$55,000 | \$120,000 | \$30,000 | \$90,000 | |
| Emily White | 101 Pine St | San Francisco | CA | 94101 | 415-555-3456 | 22 | F | Buddhist | Single | Graphic Designer | College | \$45,000 | \$60,000 | \$15,000 | \$45,000 | |
| Michael Brown | 202 Cedar St | Phoenix | AZ | 85001 | 602-555-7890 | 38 | M | Muslim | Married | Teacher | High School | \$40,000 | \$70,000 | \$10,000 | \$60,000 | |
| Sarah Green | 303 Birch St | Seattle | WA | 98101 | 206-555-2345 | 25 | F | Hindu | Single | Product Manager | College | \$50,000 | \$90,000 | \$25,000 | \$65,000 | |
| David Lee | 404 Spruce St | Portland | OR | 97201 | 503-555-6789 | 30 | M | Christian | Married | Sales Representative | High School | \$48,000 | \$85,000 | \$18,000 | \$67,000 | |
| Alice Black | 505 Ash St | Denver | CO | 80201 | 303-555-0123 | 27 | F | Sikh | Single | Data Analyst | College | \$52,000 | \$75,000 | \$12,000 | \$63,000 | |
| James Hall | 606 Hickory St | San Diego | CA | 92101 | 619-555-4567 | 33 | M | Buddhist | Married | Operations Manager | High School | \$58,000 | \$110,000 | \$28,000 | \$82,000 | |
| Olivia King | 707 Walnut St | San Jose | CA | 95101 | 408-555-8901 | 24 | F | Jewish | Single | UX Designer | College | \$47,000 | \$65,000 | \$14,000 | \$53,000 | |
| Benjamin Taylor | 808 Maple St | San Antonio | TX | 78201 | 214-555-2345 | 31 | M | Christian | Married | IT Support | High School | \$42,000 | \$78,000 | \$11,000 | \$67,000 | |
| Isabella Garcia | 909 Elm St | San Jose | CA | 95101 | 408-555-6789 | 26 | F | Hindu | Single | Product Designer | College | \$49,000 | \$82,000 | \$16,000 | \$66,000 | |
| William Martinez | 1010 Oak St | San Jose | CA | 95101 | 408-555-0123 | 34 | M | Buddhist | Married | Software Engineer | High School | \$56,000 | \$105,000 | \$26,000 | \$79,000 | |
| Charlotte Wilson | 1111 Pine St | San Jose | CA | 95101 | 408-555-4567 | 23 | F | Jewish | Single | Marketing Assistant | College | \$46,000 | \$68,000 | \$13,000 | \$55,000 | |
| Thomas Anderson | 1212 Cedar St | San Jose | CA | 95101 | 408-555-8901 | 32 | M | Christian | Married | Operations Manager | High School | \$54,000 | \$100,000 | \$24,000 | \$76,000 | |
| Amelia Clark | 1313 Birch St | San Jose | CA | 95101 | 408-555-2345 | 21 | F | Hindu | Single | Product Designer | College | \$44,000 | \$62,000 | \$12,000 | \$50,000 | |
| Christopher Lewis | 1414 Spruce St | San Jose | CA | 95101 | 408-555-6789 | 36 | M | Buddhist | Married | Software Engineer | High School | \$57,000 | \$108,000 | \$27,000 | \$81,000 | |
| Harper Hall | 1515 Ash St | San Jose | CA | 95101 | 408-555-0123 | 20 | F | Jewish | Single | Marketing Assistant | College | \$43,000 | \$60,000 | \$11,000 | \$49,000 | |
| Sebastian King | 1616 Hickory St | San Jose | CA | 95101 | 408-555-4567 | 37 | M | Christian | Married | Operations Manager | High School | \$59,000 | \$112,000 | \$29,000 | \$83,000 | |
| Emily Green | 1717 Walnut St | San Jose | CA | 95101 | 408-555-8901 | 19 | F | Hindu | Single | Product Designer | College | \$41,000 | \$58,000 | \$10,000 | \$48,000 | |
| Matthew Brown | 1818 Elm St | San Jose | CA | 95101 | 408-555-2345 | 39 | M | Buddhist | Married | Software Engineer | High School | \$61,000 | \$115,000 | \$30,000 | \$85,000 | |
| Madison White | 1919 Oak St | San Jose | CA | 95101 | 408-555-6789 | 18 | F | Jewish | Single | Marketing Assistant | College | \$40,000 | \$55,000 | \$9,000 | \$46,000 | |
| Lucas Black | 2020 Pine St | San Jose | CA | 95101 | 408-555-0123 | 40 | M | Christian | Married | Operations Manager | High School | \$62,000 | \$118,000 | \$31,000 | \$87,000 | |
| Grace Taylor | 2121 Cedar St | San Jose | CA | 95101 | 408-555-4567 | 17 | | | | | | | | | | |

District _____ Year _____ Page _____ No. _____

Citizen by blood. Mother's citizenship.

Intermarried citizen

Married under what law Date of marriage.....

License **Certificate**

20 Wife's name Cora Leona, Westville, Ind. Tex

District _____ Year _____ Page _____ No. _____

Citizen by blood CHEROKEE 32 Mother's citizenship CHEROKEE.

Intermarried citizen

Married under what law _____ Date of marriage *Oct - 1899.*

License **Certificate**

Names of Children:

[illegible]

Sec Docket "B" Dave Case.
#3398

1037

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
Cora Kerns as a citizen of the Cherokee Nation:

Commission: The applicant was notified by registered letter on the 30th day of January, 1902, that on the 15th day of February, 1902, her case would be taken up for final consideration by the Commission, and that she would on said date be given an opportunity to introduce such testimony as she desired relative to her enrollment.

Appearances:

Applicant present in person;
W. W. Hastings, Cherokee Representative.

CORA KERNS, being duly sworn, testified as follows:
Examination by the Commission:

- Q What is your name? A Cora Kerns.
Q How old are you? A 21 years old.
Q What is your post office address? A Westville.
Q Are you the daughter of Frances E. Forbes? A Yes, sir.

Commission: Attention is invited to a certified copy of an Act of the Cherokee Commission on Citizenship filed in the case of the applicant's mother, Frances E. Forbes, showing that the applicant in this case, then Cora Forbes, was admitted to citizenship in the Cherokee Nation, by an Act of the Cherokee Commission on Citizenship on the 16th day of May, 1888.

- Q Is there any other statement you desire to make relative to your enrollment? A No, sir; I guess not.
Q Do you submit this case now to the Commission for final consideration? A Yes, sir.

Commission: The applicant and the representative of the Cherokee Nation present submit this case to the Commission for final consideration.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 18, 1902.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Cora Kerns for enrollment
as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on July 16, 1900, Cora Kerns appeared before the Commission at Westville, Indian Territory, and made personal application for her enrollment as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of the application at Muskogee, Indian Territory, on February 15, 1902.

The evidence shows that Cora Kerns, under the name of Cora Forbes, her maiden name, was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation on May 16, 1888. She removed from the State of Georgia to the Cherokee Nation for the first time, in 1893, returned to Georgia in 1894, and remained in that State until 1900, when she returned to the Cherokee Nation. The evidence fails to show that the applicant ever acquired a permanent residence in the Cherokee Nation.

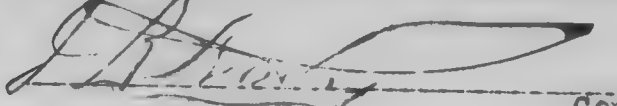
Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Cora Kerns as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner

Dated at Muskogee, I.T.,

this NOV 26 1902

CO. 100

UNDER

FILED
JAN 31 1902

ACTING CHAIRMAN

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 30

1902

Mrs. Cora Kerns,

Westville, Indian Territory.

Madam:

You are hereby notified that the application of yourself

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

15th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so:

Yours truly,

Register
Cherokee D-37

Acting Chairman.

COPY.

Cherokee D-37.

Muskogee, Indian Territory, November 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Cora Kerns for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application.

Respectfully,

Through the Commissioner
of Indian Affairs.

W. H. Murray
Acting Chairman.

Enc. H-92.

-copy

Cherokee D-57.

Muskogee, Indian Territory, November 24, 1902.

Cora Kerns,

Westville, Indian Territory.

Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated November 20, 1902, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tame Dixie
Acting Chairman.

Enc. H-90.
Register.

Copy

Cherokee D-37.

Muskogee, Indian Territory, November 24, 1902.

Mr. W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of Cora Kerns for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

John S. McCoy.

Acting Chairman.

Enc. H-91.

Refer in reply to
the following:
Land
70811-1902.

Copy.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Dec. 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated November 24, 1902, forwarding the record relative to the application of Cora Kerns for enrollment as a citizen by blood of the Cherokee Nation.

November 20, 1902, the Commission held that the applicant is not entitled to enrollment.

The record in this case shows that Cora Kerns was admitted to citizenship in the Cherokee Nation under her maiden name, Cora Forbes, on May 16, 1888; that she removed from the State of Georgia to the Cherokee Nation in 1893; that in 1894 she returned to Georgia and there remained until 1900, when she removed to the Cherokee Nation. She did not acquire a permanent home in the Cherokee Nation, and she was not residing therein or in the Indian Territory on June 28, 1898 and is not, therefore, under the provisions of section 21 of the Curtis Act, entitled to enrollment.

The approval of the Commission's decision is recommended.

Very respectfully

W. A. Jones,

Commissioner.

G.A.W.(S)

D.C.1898-1903.

DEPARTMENT OF THE INTERIOR.

EAC.

ITD.8077-1902.

Washington, January 15, 1903.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 24, 1902, you transmitted the record in the matter of the application for enrollment of Cora Kerns as a citizen by blood, of the Cherokee Nation.

The evidence shows that applicant, under the name of Cora Forbes, her maiden name, was admitted to Cherokee citizenship in 1888; that she removed from Georgia to the Cherokee Nation in 1893, returned to Georgia in 1894, and remained there until 1900, when she returned to said nation. In accordance with paragraph 9, section 21 act of June 28, 1898 (30 Stats., 495), you denied the application November 20, 1902.

Forwarding the papers December 24, 1902, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

copy.

Cherokee D-37

Muskogee, Indian Territory, January 29, 1903.

Cora Kerns,

Westville, Indian Territory.

Dear Madam:-

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 15, 1903.

Respectfully,

John B. Bixby

Acting Chairman.

COPY.

Cherokee D-37

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision,
dated November 20, 1902, rejecting the application of Cora Kerns
for the enrollment of herself as a citizen by blood of the
Cherokee Nation, was affirmed by the Secretary of the Interior
January 15, 1903.

Respectfully,

Tammie Little
Acting Chairman.

(COPY)

JP

DEPARTMENT OF THE INTERIOR,

FHE

WASHINGTON.

I.T.D. 8077-1902
7162-1903

April 7, 1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 15, 1903, the department affirmed your decision rejecting the application of Cora Kerns for enrollment as a citizen of the Cherokee nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The Indian office concurred in your suggestion, in its letter of October 7, 1903.

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, and his opinions of March 12, 1904, in the cases of Julia A. Moore et al., and Mary L. Strickland et al., the department finds no reason to disturb its decision of January 15, 1903.

Respectfully,

(signed) Thos Ryan
Acting Secretary.

(MFM)

(C O P Y)

DEPARTMENT OF THE INTERIOR

D. C. 990-1906

WASHINGTON

J. P.
L.L.B

I.T.D. 8908-7165
9756-1905.

January 4, 1906.

L R S

Commissioner to the Five Civilized Tribes.

Muskogee, Indian Territory

Sir:

The motion for review of the Cherokee enrollment case of Cora Kerns, of which you were advised November 14, 1905, is hereby denied, in view of the opinions of the Assistant Attorney-General, approved, in the cases of Mary and Roy Strickland, Maud England et al., and Hubert Henry et al., of December 28, 1905, copies of which have been furnished you.

Respectfully,

THOS RYAN

First Assistant Secretary

Cherokee
R 796

Muskogee, Indian Territory, January 15, 1906.

Cora Kerns,

Westville, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of January 4, 1906, in which the motion for review in your Cherokee enrollment case is denied.

Respectfully,

GHL

Commissioner.

Cherokee
R 796

Muskogee, Indian Territory, January 15, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith for your information a copy of
Departmental letter of January 4, 1906, in which the motion for re-
view in the Cherokee enrollment case of Cora Kerns, is denied.

Respectfully,

Incl. G1-17.
GHL

Commissioner.

Cher R 797

Cher R 797

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Pryor Creek, I.T. September 12, 1900.

In the matter of the application of William T. Whitaker for the enrollment of the children of Adeline Battles, for enrollment as citizens of the Cherokee Nation. The said William T. Whitaker being duly sworn by Commissioner T. B. Needles testified as follows:

- Q--What is your full name? A William T. Whitaker.
Q What is your age? A Forty-six.
Q What is your postoffice address? A Pryor Creek.
Q What is the name of the children for whom you apply?
A Willie Battles, whose age is 16 years and Zeb Battles aged 10, and Addie.
Q About how old is Addie? A She is about 14, I think.
Q What is the next? A Lax.
Q How old is Lax? A He is about twelve, I guess.
Q Well, the next one? A Laura.
Q How old is Laura? A I think that is all that are under age.
Q What is their father's name? A William Battles.
Q Is he living? A No, sir, he is dead.
Q What is the name of their mother? A Adeline Battles.
Q Is she living? A Yes, sir, she is living.
Q Do you want to enroll her? A If I can.
Q Why is she not here? A I was appointed their guardian when she was insane. She is not insane now, that is she is better than she was.
Q Are all these children alive and living at this time?
A Yes, sir.
Q Is their father on the 1880 roll? A No, sir; he is not on the roll at all. He never was in this country. He died in the North Carolina.
Q Well, Addie Battles ---- Did you apply to the Dawes Commission in 1896? A Yes, sir.
Q What did you hear from it? A They never wrote me anything about it.
Q They were enrolled on the 1896 roll? A Yes, sir.
Q What did you apply to the Dawes Commission for? A There was one that was not enrolled and I applied for her, that was Adeline.
Q You present, now, Mr. Whitaker, the certificate of admission to Cherokee citizenship issued on the 10th day of February, 1888, signed by J. T. Adair, Chairman of the Committee, C. C. Lipe, Clerk, approved and endorsed by J. B. Mayes, Principal Chief under the Great Seal of the Cherokee Nation, certifying that Laura Battles, William Battles, Lax Battles, were duly admitted to citizenship at the date of said certificate. Are the three children for whom you apply, William, Lax and Laura, the identical children named in this certificate of admission?
A Yes, sir.
Q Are they living at this time? A Yes, sir.
Q Where do they live? A In North Carolina.
Q Have they ever lived in the Cherokee Nation? A Yes, sir; they were here from 1892 to 1894,
Q Where were they born? A In North Carolina.
Q And they removed to the Cherokee Nation in 1892?
A No, sir, it was in 1890 when they moved here.

Q And they remained here until when? A 1894.
Q And then went back to the state of North Carolina?
A Yes.
Q And are living there now? A Yes, sir.
Q Where does their mother live? A In North Carolina.
Q Did she ever live in the Cherokee Nation? A Yes, sir; she was with them.
Q But that was the only length of time she ever lived in the Cherokee Nation. You apply for a child named Ada and Zeb whose names do not appear upon this certificate.
A I suppose they were born since the certificate was issued. No, I do not know about that, perhaps they were not.
Q Then they were never admitted to citizenship? A They could not be, I guess; I was not there.
Q Have you the dates of birth of these two children?
A No, sir; I have not.
Q Please look on the roll of 1896 for the name of William Battles.

(On 1896 roll, page 121, No. 662, Willie Battles, Cooweescoowee District. On 1896 roll, page 121, No. 664, Zed Battles, Cooweescoowee District. Roll shows Willie was 17 at the enrollment.)

(On 1896 roll, page 121, No. 666, Addie Battles, Cooweescoowee District, page 121, No. 665, Lax Battles, Cooweescoowee District. On roll 1896, page 121, No. 663, Laura Battles, Cooweescoowee District.) (Roll shows Laura 16 years old at the time of enrollment)

Applicant presents certificate of admission as described in the testimony as to Lax and Laura Battles and William Battles. The names of the children, Zed and Ada do not appear in said certificate. The testimony shows that they were not born until after the certificate was issued, and the testimony shows that all these children are residents of the state of North Carolina.

Final judgment as to the enrollment of these children will be suspended, and their names will be placed upon a doubtful card. It developing that William is twenty-one years of age, his name is stricken from the list of applicants at this time, he having to apply for himself.

The undersigned being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he recorded the testimony in this case as well as all other proceedings, and that the foregoing is a correct and complete transcript of his stenographic notes of the same.

(Signed) WILLIAM S. WELLSHEA.

Subscribed and sworn to before me the 13th day of September, A. D. 1900.

(Signed) T. B. NEEDLES,
Commissioner

Copy.

CERTIFICATE OF ADMISSION TO CITIZENSHIP.

(Office of Commission on Citizenship,
(Tahlequah, Cherokee Nation.

To all Whom it may Concern---Greeting:

This is to Certify, that the following named, to-wit: Addy Battles, age 33 years, Florence Battles, age 15 years; Forsty Battles age 14, Stephen Battles, age 12; Bruce battles, age 10; Dazy Battles, age 8; Lax Battles, age 6; Willie Mc Battles, age 5; Laura Battles, age 3, did, pursuant to the provisions of an Act of the national Council of the Cherokee Nation, approved December 8th, 1886, entitled, "An act providing for the appointment of a Commission to try, and determine, applications for Cherokee Citizenship," make such application to and before said "Commission" on the 4 day of Oct. 1887; that the proof submitted by the above named Addy Battles in support of her said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the Cherokee National Council--and that, by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said Act, the above named parties (applicants for citizenship) are, from this, the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said parties accordingly.

IN WITNESS WHEREOF, I hereunto sign my name, as Chairman of the Commission, on this the Tenth day of February, 1888.

ATTEST:

C. C. Lipe,

(SEAL)

Clerk Com. on Citizenship. Approved and endorsed,

Henry Eiffert,
Asst. Ex. Secy.

J. T. Adair,
Chairman Com.onCitizenship.

J. B. Mayes,
Principal Chief C.N.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I.T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

Emmet Starr, being duly sworn and examined by the
Commission testified as follows:

- Q. What is your name? A. Emmet Starr.
Q. What is your age? A. Thirty one years.
Q. What is your post office address? A. Claremore, I. T.
Q. Are you a citizen by blood of the Cherokee Nation?
A. Yes sir, I am.
Q. For whom do you desire to make application for enrollment?
A. For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Steve Battles, page 121, # 659, Cooweescoowee District;
Note; "In Carolina".
Also on 1894 roll, page 125, # 217, Cooweescoowee District, as
Stephen Battles.

- Q. Are there any other persons for whom you desire to make appli-
cation for enrollment?
A. I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

(Signed) E. C. BAGWELL

Subscribed and sworn to before me this August 18, 1902.

(S E A L)

(Signed) B. C. JONES
Notary Public.

Lucy M. Bowman, being first duly sworn, states that as stenographer
to the Commissioner to the Five Civilized Tribes she made the above
copy and that the same is a full, true and complete copy of the
original transcript.

Lucy M. Bowman
Subscribed and sworn to before me this 13th day of January, 1906.

Myron White
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the enrollment of
LAURA, LAX, ZEB and ADDIE BATTLES as citizens by blood of the
Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 12, 1900, William T. Whitaker appeared before the Commission at Pryor Creek, Indian Territory, and made application for the enrollment of his wards, Laura, Lax, Zeb and Addie Battles as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 21, 1902.

The evidence herein shows that the above named Laura, Lax, Zeb and Addie Battles are the children of William and Adeline Battles. It further appears from an examination of the records of the Cherokee Nation, in the possession of this Commission, that Adeline Battles and her two children, Laura and Lax Battles, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on February 10, 1888. Addie Battles was two years old at the time of her mother's admission to citizenship and Zeb Battles has been born since the date of his mother's admission. All of the above named children are identified on the Cherokee Census Roll of 1896.

The evidence further shows that Adeline Battles came to the Cherokee Nation with her said children in 1890 and resided in the Cherokee Nation until 1894. It further appears that Adeline Battles, the mother, went back to North Carolina with her children in 1894, and that she and her children have resided in that state ever since, and were residing therein at the date of this application.

Paragraph nine, Section twenty-one, of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Laura Battles, Lax Battles, Zeb Battles and Addie Battles as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(S)

L. A. Battle

Acting Chairman.

W. H. Battle

Commissioner.

R. H. Battle

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

Q.M.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Laura Battles, et al., as citizens of the Cherokee Nation.

--:--

SUPPLEMENTAL STATEMENT.

An examination of the Cherokee Strip payment roll of
1894, shows that Addie Battles and Zeddie Battles, applicants in
the case of Laura Battles, et al., Cherokee R 797, are identi-
fied on that roll at page 126, Nos. 223 and 224, respectively,
Cooweescoowee District.

It is ordered that copies of this statement be filed
with and made a part of the record in this case.

Tams Bixby.

Commissioner

Dated at Muskogee, Indian Territory,
this JAN 26 1905

247

FILED
MAR 27 1905
COMMISSION TO FIVE TRIBES.

Cherokee-R-797,
Cherokee-D-2631, 2632, 2633.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 13, 1905.

In the matter of the application for the enrollment of Willie Battles, Bruce Battles, Steve Battles, and Laura Battles et al. as citizens by blood of the Cherokee Nation, application made by W. T. Whitaker.

On February 20, 1905 W. T. Whitaker was notified, by registered mail, also Kimbal & White, attorneys for applicants, Washington, D.C., and the attorneys for the Cherokee Nation were notified that the cases of Willie, Bruce, and Steve Battles, and Laura Battles et al. would be taken up for final consideration by the Commission, at its offices in Muskogee, Indian Territory, at 9:00 o'clock A.M. on March 13, 1905.

Now, on this, the 13th. day of March, 1905, said cases being called, the applicants appear not in person nor by attorney.

The Nation appears by its attorney, W. W. Hastings.

Subsequently written request was made by the attorneys for the applicants for a continuance, and the above cases are hereby reset for hearing on April 13, 1905.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 13th. day of March, 1905, and that the above is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 25th. day of March, 1905.

Miron White
Notary Public.

Cherokee-R-797
Cherokee-D-2631,
2632, 2633.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 27, 1905.

In the matter of the application for the enrollment of
Laura Battles, Lax Battles, Zeb Battles, Addie Battles, Steve
Battles, Bruce Battles, and Willie Battles as citizens by blood of
the Cherokee Nation.

William Henry White, attorney for applicants.

W. W. Hastings, attorney for the Cherokee Nation.
C O M M I S S I O N.

COMMISSION:

It appears from the records of the Commission that the appli-
cants, Laura Battles, Lax Battles, Addie Battles, and Zeb Battles,
were denied by the Commission on the _____ day of _____;
that on January 15, 1903 the Department affirmed the
decision of the Commission, rejecting the applications for the
enrollment of said persons; and that on April 2, 1904, the Depart-
ment remanded said case for readjudication.

It further appears that Steve Battles, on C. D.-2631,
Bruce Battles, on C. D.-2632, and Willie Battles, on C. D.-2633, are
full brothers of the said Laura, Lax, Addie, and Zeb Battles, and
the cases of all the applicants are now consolidated, and the testi-
mony to be taken herein will be applicable to all the applicants
above mentioned.

Now, on this day, May 27, 1905, the applicants appeared
by their attorney, William H. White, and the Cherokee Nation
appeared by its attorney, W. W. Hastings.

William T. Whitaker, being duly sworn, testified as
follows:

MR. WHITE:

- Q. What is your full name? A. William T. Whitaker.
Q. Where do you reside? A. At Pryor Creek.
Q. You are the founder and superintendent of the Whitaker Orphan
Home, located near Pryor Creek, are you not? A. Yes sir.
Q. What relation are you to these children in this case? A. I
am their uncle.
Q. Their mother was your sister? A. Yes sir.
Q. Is she living? A. Yes sir.

Laura Battles et al.,

- Q Where is she living? A. In North Carolina.
- Q What is her name? A. Adeline Battles.
- Q She is the same Adeline Battles that was admitted to citizenship in 1888? A. Yes sir.
- Q Did you have anything to do with her admission to citizenship, A. I was a witness in it.
- Q Who, if you know, gave the names of the children? A. We and my brother, J. W. Whitaker, were both there, and I don't remember which one of us gave in the names.
- Q Were you able to get information at that time from their mother as to how old they were? A. I didn't do it. We just gave them in by guess.
- Q It appears from the record in this case that the mother was insane for a time? Is that true? A. Yes sir.
- Q Was she capable at that time of giving the ages of these children? A. She was not insane at the time she was enrolled and she could have given the ages.
- Q Where was she? A. In North Carolina.
- Q That is the reason you gave the in? A. Yes sir.
- Q You have testified in this case before? A. Yes sir.
- Q Since testifying have you made any inquiry as to the ages of these children? A. Yes sir.
- Q Where did you make the investigation? A. In North Carolina.
- Q From whom did you get your information? A. From my brothers and sisters in North Carolina. The mother of the children could not give it.
- Q Is the mother rational now? A. She has got sense enough to keep house, but she can't remember their ages.
- Q Is her mind so enfeebled that she could not remember it? A. I don't know. She told me to go to my brothers and sisters and maybe they could remember it.
- Q Now, if you desire, you may refresh your memory from any memorandum that was made at the time of this conference, and give me the year of the birth of Addie? A. She was born in '88.
- Q In what year was Zeddie born? A. In '89 is the way I have got it.
- Q There appears in the record the name of Zeb? Will I write it Zeddie? A. It is the same thing--the same child.
- Q What is the correct name? A. Zeb, I think.
- Q These two children, Addie and Zeb were not admitted, were they? A. No sir.
- Q Zeb was born after his mother's admission according to this? A. Yes sir.
- Q Was Addie born before or after it? A. That was a question that none of them could tell me. I couldn't find out. It was the same year, but none of them could tell whether it was before or after.
- Q What year was Laura born? A. In '87.
- Q Lax? A. In '86. The way Lax was put on the roll was before Willie, but he is the younger.
- Q There was also a child, Daisy, was there, not? A. Yes sir.
- Q Did she die before September 1, 1902? A. Yes sir.
- Q When was Willie born? A. In '84.
- Q When was Bruce born? A. In '81.
- Q When was Steve born? A. In '79.
- Q When was Forsty born? A. In '77.

COMMISSION:

Q He is not on here? A. She ought to be. She is in the admission and ought to be on this. I tried to enroll her at the same time I enrolled the others.

MR. WHITE:

Q You made the original application for all of these children?

A. Yes sir, and for the mother too.

Q There was one named Florence? A. Yes sir.

Q When was she born? A. In '74.

Q What is her name---is she married now? A. Yes sir, her name is Eugey since she married. She lives at Pryor Creek.

Q Where are these children living? A. In North Carolina.

Q When did they go to North Carolina? A. Somewhere between '93 and '94.

Q When did they come to this country? A. About '90.

Q Then, they lived here three or four years did they?

A. They lived here till they went back. They were in the Orphan Home quite a while.

Q Were they in the home of which you are superintendent?

A. No sir, in the other one Orphan Home. I think they were there one year-- maybe a little over.

Q Did Steve Battles come back to the Cherokee Nation after going to North Carolina in '92? A. He came back here about then that six months later he passed--between '94 and '95 I think.

Q Then he went back to North Carolina? A. Yes sir.

Q What was the occasion for his going back to North Carolina?

A. He is a consumptive and the doctor advised him to go back. Foraty and Max are the same way. Foraty can't walk now.

Q These three were sent to North Carolina on account of their health? A. No the three others were sent with their mother on account of her health.

Q What is the condition of Steve Battles now? A. Just the same thing. He is just a shadow.

Q Now as to Bruce Battles. What, if anything, do you know of his service in the army? A. I don't give the date, but he enlisted in the Spanish-American war before he was of age, and went through that, and after he came out he joined the army again and served three years in the United States Army.

Q Is he still in the army? A. I don't know whether he is or not. He came out a while before Christmas, and I don't know whether he went back or not.

Q He was in the army until about Christmas? A. He was there three or four years. I don't know just how long.

Q I want to get at the last service that you know of. You fixed that at about Christmas. A. It was just before Christmas, I don't know the date.

Q In 1904? A. Yes sir.

Q Do you know any more definitely what you have stated when Willie was born? A. No, I do not. All I know is that they gave me in North Carolina. They said it was in 1864.

Q If he was born after May, 1864 he would not be quite 21 years of age; if it was before that time he would be 21.

A. I don't know about the date.

- Q Then, as you understand it from the information given you by the relatives of these children, Addie, Zeb, Laura, Lax are still under 21 years of age, and Willie is 21 sometime this year, but whether earlier or later in the year than May you do not know. A. No sir.
- Q You were appointed the guardian of these children in the Cherokee Nation under Cherokee law? A. Yes sir.
- Q You were their guardian as long as the Cherokee law was in force? A. Yes sir. I acted as their guardian until I sent them away from home.

COMMISSION:

- Q Were you guardian for all seven of them? A. Yes sir, and for the mother too.

MR. HASTINGS:

- Q But their mother is all right now? A. Yes sir.
- Q And she has been all right ever since 1894? A. She has been all right ever since about the year after she went away.
- Q She needs no guardian now? A. No sir.
- Q You were appointed guardian to draw their money in a little pay, but that was made? A. No, I was appointed guardian to put the mother in an insane asylum and to put the children in the Orphan Home.
- Q You have never acted as guardian in that way since 1894, or had any control over their persons? A. No sir.
- Q Has Laura ever married? A. No sir.
- Q Has Lax? A. No sir.
- Q Has Willie? A. No sir.
- Q Has Steve? A. No sir.
- Q Has Bruce? A. No sir.
- Q Has Forsty? A. Yes sir.
- Q Where was she married? A. In North Carolina.
- Q When? A. I don't know the date-- some four or five years ago.
- Q She is living there with her husband? A. Yes sir, she has since she married.
- Q She has been living there since 1894? A. Yes sir.
- Q Bruce was living there when he joined the army? A. Yes sir.
- Q He was living in North Carolina? A. Yes sir.
- Q After he left the army he came back and afterwards enlisted again? A. Yes sir.
- Q It is your understanding that he is at home, in North Carolina now with his mother? A. Yes, sir, they are all there with her.
- Q You say Steve, according to your memory, was born in '79? A. I don't remember, myself, but from the information the others gave me, it was '79.
- Q He has been back here on a visit once? A. Yes sir.
- Q How long did he remain? A. Probably a month.
- Q You don't remember what month that was? A. No sir, it was sometime in '98, but I don't remember the month.
- Q With that exception, he has not been here since '94? A. No sir.
- Q He is living with his mother in North Carolina? A. Yes sir.
- Q Is the father of these children dead? A. Yes sir.
- Q He was dead before they came here the first time? A. Yes sir.

- Q. Has the mother ever remarried? A. No sir.
- Q. Lax is living there with his mother, is he? A. Yes sir.
- Q. And has been ever since they returned? A. Yes sir.
- Q. And also Laura, Zeb, and Addie? A. All of them are there living in the same house except Forsty, and she is married and living to herself.
- Q. Are they living in town or in the country? A. In town.
- Q. What town? A. Andrews, North Carolina.
- Q. These dates are not given from any personal knowledge of your own? A. The relatives gave them to me. I don't know about it, myself. This was the best information I could get, and I written it down. I was not in that country when they were born.
- Q. The mother and all of these children have lived in North Carolina since their return in '94? A. Yes sir.

MR. WHITE:

- Q. You have seen all of these children, have you? A. Yes sir.
- Q. Do their appearances indicate that they are about the ages given A. I think they are. I think it is about right, but I am not positive, of course. None of them is married. If they were getting up very old they would have been likely to be married.
- Q. Are all of these applicants living? A. Yes sir.

COMMISSION:

- Q. What is the name of this girl that is married? A. West.
- Q. Did you ever make application for this girl that is married? A. Yes sir.
- Q. Where? A. At Pryor Creek. But the Commission would not accept it for her nor for Mrs. Battles.
- Q. Is this girl on the '96 roll? A. No sir, they wouldn't accept her on that either.
- Q. On September 12, 1900 you appeared before the Commission and made application for Laura, Lax, Addie, and Zeb Battles, didn't you? A. Yes sir, but I don't remember the date.
- Q. Did you make any application at this time for this Forsty? A. Yes sir, and for their mother, but they claimed she was of age, and wouldn't accept it, and wouldn't accept Mrs. Battles and two of the boys.
- Q. When was this girl born? A. She would be about 28 years old now. Born in '77. The application was made, but they didn't take her name down.
- Q. When was Adeline Battles and these children admitted? A. In 1888.
- Q. How soon after that did she come to the Cherokee Nation? A. Something like a year.
- Q. When she came to the Nation was she insane? A. Yes sir. Her husband was killed sometime about the time she was admitted, and she went insane a short time afterwards.
- Q. Where was the home of herself and family? A. They lived at Pryor Creek until she got so bad that the people demanded of me that I do something for her. They petitioned the Court to appoint me guardian to look after the home. I sent her to St. Louis to St. Vincent's Asylum and kept her there for a few months. She had got violent, and afterwards she got better and I brought her home, but she wasn't well, and I then sent her to North Carolina.

- Q. Were the children with you continuously during the time the mother was in St. Louis? A. They were in my house part of the time, and I sent them to the Orphan Asylum. I think they were there about a year.
- Q. Do you know when you sent them back to North Carolina? A. I cannot give the date, but it was some time between '92 and '94.
- Q. She returned to North Carolina and took all the children with her. A. Yes sir.
- Q. And since that time they have never lived in the Cherokee Nation? A. No sir.
- Q. None of them? A. No sir.
- Q. Is there no application made here at all for the mother? A. No, they wouldn't let me make any for her.
- Q. You have never applied to the Commission for this Adeline Battles? A. Nothing only when they were enrolling up there they turned it down.
- Q. You were appointed guardian for the mother and the children? A. Yes sir.
- Q. Since they went to North Carolina you have had nothing more to do in it? A. No sir.
- Q. Was Adeline Battles sent to the asylum under an order of court? A. No sir, she was in a private asylum.
- Q. But you were appointed by the Court? A. Yes sir.
- Q. Have you ever been discharged? A. No sir.
- Q. When did you make your last report? A. When I sent them back to North Carolina.

MR. HASTINGS:

- Q. The Curtis Act of June 28, 1898 abolished all the courts under which you were appointed? A. That was my understanding.
- Q. Since then there have been no courts to report to? A. No sir.

COMMISSION:

- Q. Did these children of Adeline Battles, or Adeline Battles, herself, have any property here? A. Mrs. Battles had one town lot deeded to her by the Cherokee Nation. That was all.
- Q. You were appointed to have the personal custody of these children and their mother, and not for the purpose of protecting any estate at all. A. No, there was no estate to protect.
- Q. There is nothing in the record to show that they had any property? A. Well, they had a little money that I collected for them from North Carolina --- about \$600.00.
- Q. Was that money turned over to you? A. Yes sir.
- Q. Have you accounted for it? A. Yes sir.
- Q. Where? A. To the Court at Claremore.
- Q. Did the Court pass upon it? A. I suppose so. I have never heard anything more of it.

MR. WHITE:

- Q. You acted as their guardian in making these applications for their enrollment? A. I felt it my duty to do it.

MR. HASTINGS:

- Q. Didn't you more act as their relative and uncle? A. Some people said that if I didn't do it the Court would hold me responsible. I don't know about that, but I felt that I ought to do it.
- Q. You have never filed any letters of guardianship with this Commission? A. I showed them here.
- Q. Are they on file? A. I have got them yet.
- Q. A lot of these children were of age, weren't they? A. Some of them were, but they were turned down.
- Q. You have sworn that you have had nothing to do with them since they went back to North Carolina? A. I haven't. I have had no money nor property in this case.

COMMISSION:

- Q. You mentioned a little while ago that she had a lot in Pryor Creek deeded to her by the Cherokee Nation? A. Yes sir.
- Q. What has become of that lot? A. I bought it.
- Q. From whom? A. From her.
- Q. When? A. About two years ago.
- Q. Was that property in her name up until that time? A. Yes sir

MR. HASTINGS:

- Q. What did you give her for it? A. \$100.00
- Q. What was the exact date of that purchase? A. I could tell you if I was at home, but it was something like two years ago.
- Q. What did she give for the lot? A. \$1.50.

Mr. White:

I offer the letters of guardianship, and ask that it be copied into the record, and the original returned to Mr. Whitaker.

MR. HASTINGS:

I object to it because this man does not claim to have acted under these letters of guardianship since 1894, and, under the Curtis Act, the courts under which he was appointed have been abolished, and he has had neither the care of the persons nor property of these applicants since that time.

WITNESS EXCUSED.

MR. WHITE:

I wish to state, as a member of the bar of the Commission that I have done everything in my power to ascertain the correct ages of these children, and as a result of a conference with William T. Whitaker, he has made this investigation in North Carolina, and I believe now that we have done all that can be done toward establishing the birthdays of these children; that, in my opinion, it is impossible to more definitely establish these dates for the reason that the father is dead and the mother's mind is in such condition, because of her period of insanity, that she is unable to establish their birthdays; for these reasons, I am willing to submit the case on the record as it is now made up.

MR. Whitaker recalled.

MR. WHITE:

- Q. How large a town is Andrews? A. I suppose 150 or 200 in population.
- Q. Is there any public record kept by the state or municipality of the birth of children? A. Not that I know of.
- Q. Do you know whether there was any record kept in the family? A. Nothing only what the children said.
- Q. What was it? A. They said there was a record kept in the family bible.
- Q. What became of that bible? A. The mother chewed it up while she was crazy.

WITNESS EXCUSED.

Eula Jeanes Branson, being duly sworn, states, that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 27th. day of May, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) Eula Jeanes Branson

Subscribed and sworn to before me this the 14th. day of June, 1905.

(SEAL)

(Signed) Fred P. Branson
Notary Public.

I, the undersigned as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing copy is a correct copy of the original.

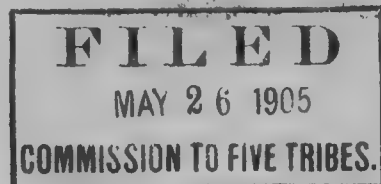
Subscribed and sworn to before me this the 27 day of June 1905.

Fred P. Branson
Notary Public.

Treas. C. N.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, hereby certify that I made the above and foregoing and that same is a true and correct copy of the original.

Louise Smith



LETTERS OF GUARDIANSHIP.

.10 feb 1888

CHEROKEE NATION,
COOWEESCOOWEE DISTRICT.

OFFICE DISTRICT JUDGE
COOWEESCOOWEE DISTRICT

TO WHOM IT MAY CONCERN:

Know Ye, That I, Watt Starr Judge of the District Court of the District and Nation aforesaid, do, by virtue of authority in me vested by law, this day make, constitute and appoint in the name and by the authority of the CHEROKEE NATION, W. T. Whitaker as Guardian of Adaline Battles who is Insane and her minor children Florence-Fosty-Dazy-Willie Addie-Zed-Steve Lax-Bruce & Laura Battles deceased, late of Cooweescoowee District, Cherokee Nation, the said W. T. Whitaker having complied with and performed all duties required by law of him precedent to this appointment.

In testimony whereof, I hereunto set my hand on this the 25th day of April 1890.

(SEAL)

(Signed) Watt Starr
Judge District Court.

Attest: H. H. Trott

Clerk Cooweescoowee District.

Cherokee R 797

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

a. m. c.

In the matter of the application for the enrollment
of Adeline Battles as a citizen by blood of the Cherokee Nation.

---:---

O. R. D. E. R.

From the record in this matter it appears that William T. Whitaker appeared before this Commission on September 12, 1900, at Pryor Creek, Indian Territory, and made application for the enrollment of Laura, Lax, Addie, and Zeb Battles, as citizens by blood of the Cherokee Nation, and that they were duly listed for enrollment on Cherokee Doubtful card No. 265, and later transferred to Cherokee Rejected card No. 797.

It further appears from the record in this matter, that after having named the above mentioned applicants, the following questions and answers constituted a part of the examination:

- "Q. What is the name of their mother?
A. Adeline Battles.
Q. Is she living?
A. Yes sir, she is living.
Q. Do you want to enroll her?
A. If I can."

but the record fails to show that the said Adeline Battles was listed for enrollment, or that her rights to Cherokee citizenship have ever been considered by this Commission.

It is, therefore, the opinion of this Commission that

application was made to it for the enrollment of Adeline Battles as a citizen by blood of the Cherokee Nation, within the time limited by the Act of Congress approved July 1, 1902 (32 Stat., 716); and that the said Adeline Battles should be listed for enrollment on Cherokee Rejected card No. 797, and that the Commission should now proceed to hear and determine said application, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tams Bixby.

Chairman

T. B. Needles.

Commissioner

C. H. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,

this JUN 29 1905

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

A.T.M.
W. H. H.

In the matter of the application for the enrollment of
Laura Battles, et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

Laura Battles, et al.,
Steve Battles,
Bruce Battles,
Willie Battles

Cherokee R 797
Cherokee D 2631
Cherokee D 2632
Cherokee D 2633.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as citizens by blood of the Cherokee Nation were made to the Commission to the Five Civilized Tribes by William T. Whitaker for Laura, Lax, Addie, Zeb and Adeline Battles; and as citizens (by blood) of the Cherokee Nation, by Emmet Starr for Steve Battles, Bruce Battles and Willie Battles. The records of this office further show that on November 20, 1902, the Commission rendered its decision herein denying the applicants, Laura, Lax, Zeb and Addie Battles the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department on January 15, 1903 (Departmental letter I.T.D. 8078-02); and that, thereafter, on April 2, 1904 (Departmental letter I.T.D. 7162-03), upon request of the Commission, the proceedings in this case were remanded by the Department for further testimony, and readjudication in accordance with present rulings, and on March 13 and May 27, 1905, further proceedings in the matter of these applications were had at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to enrollment as citizens by blood of the Cherokee Nation.

The following points in this case are fully established by the evidence, no attempt having been made to disprove them.

(1) That all the applicants herein except Adeline Battles, are identified on the Cherokee census roll of 1896, and are children of the said Adeline Battles and one William Battles, deceased, who was a non-citizen of the Cherokee Nation, and that all the applicants herein are Cherokees by blood.

(2) That on February 10, 1888, the applicants, Adeline (Addy) Steve (Stephen), Bruce, Lax, Willie (Mo), and Laura Battles, among others, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof, and that about the year 1890, said applicants, together with the applicants, Addie and Zeb Battles, who were born subsequent to said act of admission, removed from North Carolina to, and established a residence in, said Cherokee Nation, where they continuously resided for three or four years, when they returned to North Carolina, and have since, up to and including September 1, 1902, continuously lived outside the limits of the Indian Territory.

The following points are not conclusively established by the evidence, but as they are matters peculiarly within the knowledge of the applicants, and incapable of being disproved by the Cherokee Nation, it can only be said that the testimony shows:

(3) That, on September 1, 1902, said applicants were aged as follows: Adeline Battles, 47 years, Steve Battles, 23 years, Bruce Battles 21 years, Willie Battles 18 years, Lax Battles 16 years, Laura Battles 15 years, Addie Battles 14 years, and Zeb Battles 13 years, respectively.

In view of the foregoing, it is considered by the Commission that but one question is presented for its determination, namely:

Did any, or all, of the applicants herein forfeit their Cherokee citizenship on or prior to September 1, 1902?

WILLIAM T. WHITAKER, on behalf of the applicants, appeared before the Commission on September 12, 1900, at Pryor Creek, Indian Territory, and testified as follows: I am 46 years old, and my postoffice is Pryor Creek (Cherokee Nation, Indian Territory). I was appointed guardian of Adeline Battles several years ago when she was insane. I was also appointed guardian of her children. Adeline Battles is not insane now, that is, she is better.

All these applicants were born in North Carolina, and I believe the applicants Adeline and Zeb Battles were born subsequent to their mother's admission to citizenship.

WILLIAM T. WHITAKER, on behalf of applicants herein, appeared before the Commission on May 27, 1906, and further testified, as follows: I am a brother of Adeline Battles. All the applicants are, at this time, living in North Carolina. Steve Battles came back to the Cherokee Nation after they went to North Carolina in 1894, and stayed about one month, but, on the advice of his physician he returned to North Carolina. Since returning to North Carolina in 1894, Bruce Battles joined the army and went through the Spanish-American war, and after he came out of that he joined the regular army and served three years. Adeline Battles is all right now, and has been since about 1894. I have had no control of the persons or property of these applicants since they left here in 1894. When Adeline Battles came to the Cherokee Nation after being admitted in 1888, she was insane; her husband was killed about 1880. She was admitted, and she went insane a short time after his death. This family lived at Arjor Creek (Cherokee Nation) until the mother became so violent the people demanded I do something for her. I sent her to St. Vincent's Asylum at St. Louis, and kept her there for several months, when she got better I brought her home, but she was not well, and I then sent her and her children to North Carolina. These applicants have owned no property in this country except one town lot, deeded to Mr. Battles by the Cherokee Nation, and which was disposed of by her about two years ago.

CASE CLOSED.

All the applicants herein are identified on the Cherokee Strip payment roll of 1894.

In connection with the later testimony taken in this case attention is called to the fact that the act of February 10, 1898, admitting certain of the applicants herein to citizenship in the Cherokee Nation, recites the ages of Steve and Bruce Battles as twelve and ten years, respectively. This would indicate that said applicants were several years past their majority on September 1, 1902.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that prior to September 1, 1902, the applicants, Adeline, Steve and Bruce Battles, forfeited their Cherokee citizenship, under Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

and that, under the rulings of the Department in the cases of John R. Ketchum et al. (I T D. 1080-03), James Hunter et al., (I.T.D. 1970-03), Cleveland M. Patrick (I.T.D. 1448-03), and Mary E. Forbes et al., (I.T.D. 924-04), the applicants, Willie, Laura, Lax, Addie and Zeb Battles, they being in their minority on September 1, 1902, were citizens of the Cherokee Nation on that date.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section twenty-one of the Act below noted, Adeline Battles, Steve Battles, and Bruce Battles, are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Willie Battles, Laura Battles, Lax Battles, Addie Battles and Zeb Battles, are entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly granted.

Tame Dixby.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this SEP 29 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 7, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ADELINE BATTLES ET AL., as citizens by blood of the Cherokee Nation.

APPEARANCES:

For Applicants, Stephen and Bruce C. Battles in person.
For Cherokee Nation, J. S. Davenport appears in behalf of
W. W. Hastings.

The records of this office show that On November 13, 1905, the applicants, their attorney, and the attorney for the Cherokee Nation were notified that on November 1, 1905, the Department remanded this case for further hearing, and that they would be permitted to appear and introduce further testimony on December 7, 1905, at which time the following proceedings were had.

STEPHEN D. BATTLES, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Stephen D. Battles.
Q How old are you? A I was born in 1879, March 17.
Q What is your post office? A Pryor Creek, Indian Territory.
Q Are you a Cherokee by blood? A Yes sir.
Q What is the name of your father? A His name was William E/ Battles.
Q He is dead is he? A Yes sir.
Q He was a white man? A Yes sir.
Q What is the name of your mother? A Adeline E. Battles.
Q She is living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q Where is she at the present time? A She is at Andrews, North Carolina.
Q She is the mother of Laura, Lax, Addie and Zeb Battles? A Yes sir.
Q What is her mental condition at the present time? A Well she is not in shape to attend to any business matters at all, her mind is not exactly right, she doesn't transact any kind of business at all.
Q Was she at one time in a sanitarium? A Yes sir.
Q When was she released from that institution? A Well I don't know, it has been several years.
Q Have you any idea about how many years it has been? A About 7 or 8 years I guess.
Q How long had she been in that institution? A I think she stayed there about a year.
Q What was her mental condition prior to that time? A Well for a year or more before she was insane, about the year 1889, and she was placed in that asylum at St. Louis about 1891 I think.
Q Then did she stay there about a year? A Yes sir.
Q Was she in any other asylum after that? A No sir.
Q Where has she made her home since then? A She was at Pryor Creek until, I don't remember the date about 1890 something, I don't remember the date, but she has been back in North Carolina about 8 or 9 years I guess.

- Q After she was discharged from the asylum in St. Louis where did she go? A My uncle brought her back to Pryor Creek from there.
- Q How long did she stay at Pryor Creek? A About a year I guess.
- Q Then she was taken to North Carolina? A Yes sir, he sent her back there.
- Q Have you a sister living there? A Yes sir.
- Q What is her name? A Foster.
- Q Her full name? A Foster E. Battles, she married a West.
- Q Has any application ever been made for her enrollment? A My uncle made application.
- Q Has your mother lived with her in North Carolina since then?
- A No sir.
- Q With whom has she made her home in North Carolina? A With her children, I have lived with her.
- Q The records show that your mother was notified to appear here today, do you know why she is not present? A No sir, I don't know why.
- Q Would she be capable of transacting her business if she was here? A No sir, I think not. She got notice to appear here on this date but my sister at home wrote me and sent me the notice and wanted to know what to do about it.
- Q Does she have to have some one to look after her all the time?
- A No sir.
- Q Would she be competent to give testimony if she was here? A Well I don't know whether she would or not, she don't have much of a recollection.
- Q During her residence in North Carolina has she owned or controlled any property in the Cherokee Nation? A Yes sir.
- Q Of what did that property consist? A One town lot.
- Q In Pryor Creek? A Yes sir.
- Q Has she had any other property? A None that I know of.
- Q Where were you born? A I was born in North Carolina.
- Q You were admitted to citizenship at the same time your mother was? A Yes sir.
- Q Did you go to the Cherokee Nation when she did? A Yes sir.
- Q Did you go back to North Carolina when she did? A Yes sir.
- Q That was in 1891? A It was later than 1891, 1894 I think.
- Q Since then have you continuously made your home in North Carolina?
- A No sir, I come back to this country in the spring of 1895.
- Q Do you know what time? A In April.
- Q How long did you stay? A I stayed until September the same year.
- Q Then where did you go? A Under the advice of my physician I went back.
- Q To North Carolina? A Yes sir.
- Q How long did you stay there then? A Stayed there until this last spring.
- Q That was during the year 1905? A Yes sir.
- Q You were a minor when you came here in 1895 were you? A Yes sir, minor when I went away.
- Q Were you visiting here? A No sir, I came here to select my land.
- Q Have you ever owned or controlled any property in the Cherokee Nation? A No sir.

BY MR. DAVENPORT:

- Q What is the post office and county in which you live in North Carolina? A Andrews, North Carolina.
- Q What county is that in? A Cherokee County/
- ~~xxxxxx~~
- Q What is your voting precinct? A We vote in Andrews.
- Q Where were you when the last Presidential election was held, were you in North Carolina? A I was in North Carolina.
- Q And you say you have never voted in any election that was held in North Carolina? A No sir.

- Q Now the first time that you ever came to the Cherokee Nation as I understand you was in the early part of the '90's, do you remember what year? A No sir, I don't remember I was very small when we come to this country the first time.
- Q You stayed then about how long before you went away again? A I think we stayed some 3 or 4 years.
- Q Then you went back to North Carolina? A Yes sir.
- Q And outside of one visit here for a short while you have continued to reside in North Carolina? A Yes sir.
- Q What is your age now Mr. Battles? A I will be 25 or 26 years old, next March, I was born in 1879.
- Q Since you have been of age your home and your residence has been continuously in the State of North Carolina, has it not? A Yes sir.
- Q During that time have you owned any property in the Cherokee Nation? A No sir, I have never owned any property here.
- Q Your mother since her release from the Sanitarium has resided in North Carolina continuously, that is with the exception of a short while when she came to the Territory and stayed awhile?
- A She came here in 1895.
- Q I will ask you if during the time your mother was here and you were out here didn't you still retain your home near Andrews, North Carolina as you had before you come out here? A I come here to stay.
- Q I will ask you if you had broken up your home there? A My mother hadn't.
- Q She retained her home and you were living with your mother? A Yes sir. I lived with her until I left there.
- Q Didn't you live with her when you went back there? A That was my home.
- Q And when you went back there you kept the home that had been there all the time while you were out here, didn't you? A No sir, didn't stay with my mother when I went back there.
- Q She went back to the home that she had there? A She did.
- Q And when you went back you went to another home instead of the one you left? A Yes sir, I didn't stay at home when I went back.
- Q But you went back to your mother's home first? A Yes sir.
- Q And that was the home you left there when you came out here?
- A Yes sir.
- Q And that home remained there all the time you were out here. Is not it a fact that you and your mother retained a home there all the time? A As to my mother I suppose she did.
- Q You were a young man then and not of age in 1895? A I came here in 1895 to select my land but on account of my health couldn't stay and my physician advised me to go away.
- Q You didn't select it then? A No sir.
- Q In 1895 you were still under age? A Yes sir.
- Q And your mother's home was in North Carolina? A Yes sir.
- Q When did you leave North Carolina the last time? A This last spring.
- Q You are a single man yet? A Yes sir.
- Q And you haven't yet, up until the time you came out here this last spring, didn't own any property in the Cherokee Nation?
- A None.

ON BEHALF OF THE COMMISSIONER:

- Q Have any of your brothers and sisters ever removed to the Cherokee Nation, come to the Cherokee Nation and located? A I have one sister that lives here.
- Q What is her name? A Florence Bugher.
- Q How old is she? A I don't know her age.
- Q Is she older or younger than you? A Older than I.
- Q Several years? A Yes sir.
- Q Is she married? A Yes sir.

- Q How long has she lived in the Cherokee Nation? A Ever since we first come to this country.
- Q In 1891? A In 1890 something.
- Q Was she of age at that time? A I don't know her present age.
- Q She has resided here continuously? A Yes sir.
- Q Now your younger brothers and sisters have any of them ever removed to the Cherokee Nation besides Bruce, I mean come here to locate, living here at the present time, have they all lived back in North Carolina? A Yes sir.
- Q Made that their home? A Yes sir.
- Q Has your mother ever returned to the Cherokee Nation since she left the Cherokee Nation in 1892 or 1893? A Yes sir.
- Q When? A She came here in the spring of 1895.
- Q How long did she stay here? A About six months.
- Q With whom did she live? A Stayed with her daughter, my sister.
- Q Is that your married sister you have mentioned in your testimony? A Yes sir.
- Q Outside of that time has she ever been back to the Cherokee Nation? A Yes sir, she was here at the strip payment.
- Q That was prior to 1895? A Yes sir.
- Q Was she ever been back to the Cherokee Nation since 1895? A I think not.
- Q And you were never back in the Cherokee Nation after you left in 1895 up until this last spring? A No sir.

W I T N E S S E X C U S E D.

BRUCE W. BATTLES, being first duly sworn, testified as follows:

- ON BEHALF OF THE COMMISSIONER:
- Q What is your name? A Bruce W. Battles.
- Q How old are you? A 24.
- Q What is your post office? A Pryor Creek, Indian Territory.
- Q Have you a brother Stephen D. Battles who has just testified? A Yes sir.
- Q You have heard his testimony? A Yes sir.
- Q Were his statements in regard to his residence in the Cherokee Nation correct? A As far as I know it was sir.
- Q You are his full brother? A Yes sir.
- Q When did you first come to the Cherokee Nation after your mother was admitted? A Tell I come here with my mother when she first come, and I come about six months ago, last July I believe it was.
- Q You came back last spring when your brother did? A Yes sir.
- Q Have you ever voted in the Cherokee Nation? A No sir.
- Q Have you ever controlled any property in the Nation? A No sir.
- Q Have you ever been to the Cherokee Nation more than the two times or one you spoke of when your mother came in the early '90's and when you returned this last time? A No sir, I have only been here the two times.
- Q Have you any other testimony you desire to introduce in your case? A Yes sir, I would like to state the reason why I wasn't here when the rolls closes, when the application was made for my enrollment.
- Q Just go ahead and state why? A I was in the United States service in the Philippine Islands and couldn't be here, couldn't get to come.
- Q When did you join the army? A In 1901.
- Q How long did you serve? A Three years.
- Q Is that the only time you were in the army? A Yes sir.
- Q When were you discharged from the army? A I was discharged last June, 1904.

- Q Where did you go when you were discharged? A Went back to North Carolina.
- Q To your mother's? A No sir, went to my sister's.
- Q Did you continue to live there until this last June when you came to the Cherokee Nation? A Yes sir, I stayed there. I started here and my sister was sick and about to die and they wrote for me to come there so I went there and stayed until I come here.
- Q Has your mother ever recovered her reason? A Not exactly.
- Q Do you think she would be competent to give testimony if she were present? A Well I wouldn't think she would.
- Q Is her memory very defective as regards dates? A Yes sir.
- Q Is the child just younger than you named Willie? A Yes sir, I believe the next one to me is Willie, or Daisy, I don't recollect which one.
- Q Is Willie the one living just next to you? A Yes sir.

BY MR. DAVENPORT:

- Q Now as I understand you the only sister that you have or brother living is your sister Florence, your brother spoke of, living out here? A Yes sir, she is here at Pryor Creek.
- Q The other sisters are in North Carolina? A Yes sir.
- Q And you and your brother here came last spring? A Yes sir.
- Q When you enlisted in the army where did you enlist? A Murphy, North Carolina.
- Q You haven't any property in the Cherokee Nation? A None.

ON BEHALF OF THE COMMISSIONER:

- Q Have you ever been married? A No sir.

W I T N E S S E X C U S E D.

STEPHEN D. BATTLES RECALLED:

ON BEHALF OF THE COMMISSIONER:

- Q Is there any further statements that you desire to make? A Yes sir.
- Q Just go ahead and make any statement that you desire? A I would like to state that during the year 1895 when I was in the Nation I voted in the election here and when I left this country I left my trunk and gun here with my sister, she lived at Catoosa then.
- Q Were your personal effects in the trunk? A Yes sir, I left my clothes in my trunk and gun.
- Q What became of the trunk and gun? A My brother I suppose sold the gun, sometime afterwards, I never got anything out of it.
- Q What became of your trunk? A I don't know.
- Q What was the matter with you when you went back to North Carolina in 1895? A I had a kidney trouble then, I had the malaria and chills.
- Q Did you ever have the consumption? A No sir.
- Q Did your brother Bruce here ever have the consumption? A Not that I know of.
- Q Have you any further testimony that you desire to introduce in the case? A No sir.
- Q Do you desire your case closed and a decision rendered on the evidence now introduced? A I would like to have a short time to get up some certificates showing why I left the country in 1895, from the physician.
- Q Could you get the physician present before the Commission in order that his testimony could be taken? A Well sir, I don't know he lives at Catoosa, the physician does.
- Q Do you know of any further testimony that you could introduce in behalf of your mother? A No sir.

BRUCE W. BATTLES RECALLED:

ON BEHALF OF THE COMMISSIONER:

Q What is the exact date of your birth? A September 28, 1881.

BY MR. DAVENPORT:

Q You enlisted from North Carolina in the army, where your mother was living at that time? A Yes sir, in the same state.

Q Were you living with her at that time? A No sir.

Q With whom were you making your home at that time? A I was working.

Q Did you have any regular place you called home? A I suppose I would call that home.

Q You call your mother's house you mean? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Q How old will you be your next birth day? A I will be 25.

Q When will your next birth day occur? A The 28th of September.

Q Are you positive you were 24 this past September? A Yes sir, I think so.

Q Are you positive as to that? A I only know what my mother says.

Q Have you always been taught to believe that your birth day was on September 28? A Yes sir.

Q And that you were born in the year 1881? A Yes sir.

Copies of this testimony will be filed with and made a part of the record in Cherokee D 2631 and 2632.

This case was here continued by agreement until December 21, 1905, at nine o'clock A. M.

-----oOo-----

George W. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George W. Lessley

Subscribed and sworn to before me this 11th day of December, 1905.

Edward H. Herrick
Notary Public.

C7B

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Adeline Battles, et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

| | |
|---------------------|------------------|
| Adeline Battles, | Cherokee R 797 |
| Stephen D. Battles, | Cherokee D 2631 |
| Bruce W. Battles , | Cherokee D 2632. |

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as citizens by blood of the Cherokee Nation were made to the Commission to the Five Civilized Tribes by William T. Whitaker for, among others, Adeline Battles. The others included in said application have been heretofore disposed of, and their rights to enrollment will not be considered in this decision; and by Emmet Starr for Steve and Bruce Battles.

The records further show that on September 29, 1905, the Commissioner to the Five Civilized Tribes rendered his decision in the consolidated case of Laura Battles , et al., granting the application for the enrollment of Willie, Laura, Lax, Addie and Zeb Battles, minor children of the said Adeline Battles, and denying the applications for the enrollment of Adeline Battles, Steve Battles and Bruce Battles, as citizens by blood of the Cherokee Nation. Thereafter, on November 1, 1905 (I.T.D. 13668-1905), the Department affirmed said decision in so far as it admitted the applicants, Willie, Laura, Lax, Addie and Zeb Battles to enrollment as citizens by blood of the Cherokee Nation, and remanded said decision for rehearing and readjudication as to the applicants Adeline, Steve and Bruce Battles. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, December 7 and December 20, 1905. The proceedings had at Muskogee, Indian Territory on December 7, 1905, show that the correct name of the said Steve Battles is Stephen D. Battles and that of the said

Bruce Battles is Bruce W. Battles, and they will now be listed as Stephen D. and Bruce W. Battles.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein are Cherokees by blood; that in 1808 they were admitted to citizenship in the Cherokee Nation by the legally constituted authorities of said Nation, and removed to the Cherokee Nation in 1890; that after removing to the Cherokee Nation in 1890 they continued to reside therein until 1894, when they left said Nation and returned to their old home in North Carolina, where they have since continuously resided.

The evidence further shows that since 1894 said applicants have owned no property in the Cherokee country except one town lot, deeded to Adeline Battles by the Cherokee Nation, and which was disposed of by her about two years ago.

Paragraph nine of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), in part, provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship:"

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the cases of Mary L. Strickland, et al. (I.T.D. 18216-1905), Nellie Walker Litton et al. (I.T.D. 18258 18212-1905), Hubert Henry et al. (I.T.D. 10072, 18218-1905) and Dock Davis et al. (I.T.D. 10726, 18214-1905), under the provisions of paragraph nine, section twenty-one of the Act of Congress above noted, Adeline Battles, Stephen D. Battles and Bruce W. Battles are not entitled to enrollment as citizens by blood of the Cherokee Nation and their applications for enrollment as such are accordingly denied.



Commissioner

Dated at Muskogee, Indian Territory,
this APR 19 1905

P. 165

FEB 4 1902

ALTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,..... February 4th, 1902

Mrs. Laura Battles,

Andrews, North Carolina,

Madam:-

You are hereby notified that the application of..... yourself and three minor
children

for enrollment as .. citizen of the Cherokee Nation will be taken up for final consideration by the
Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

21st day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney.
when an opportunity will be given you to introduce any additional testimony affecting your applica-
tion.

You are further notified that the Representatives of the Cherokee Nation will also, at the same
time, be afforded an opportunity to introduce testimony tending to disprove your right to enroll-
ment, but said Representatives will be required to notify you of their intention to introduce such
testimony before they will be permitted to do so.

Yours truly,

Cherokee D-265

Register.

Acting Chairman.

Cherokee D-265.

Washkokee, Indian Territory, November 24, 1902.

Mr. William T. Whitaker,

Pryor Creek, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your wards, Laura, Iax, Zeb, and Addie Pattles, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated November 20, 1902, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. H. H. H.
Acting Chairman.

Enc. H-125.
Register.

Cherokee D-265.

Muskogee, Indian Territory, November 24, 1902.

R. W. W. Martin,

Attorney at Law, Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 22, 1902, rejecting the application of William T. Whitaker for the enrollment of his wards, Laura, Lax, Mab and Addie Patties, as old ones by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-126.

Cherokee D-265.

Muskogee, Indian Territory, November 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William T. Whitaker for the enrollment of his wards, Laura, Lax, Zeb and Addie Patties, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the Commissioner of
Indian Affairs.

Enc. H-127.

Copy.

Refer in reply to
the following:

Land
70811-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, Dec. 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated November 24, 1902, forwarding the record relative to the application of William T. Whitaker for the enrollment of his wards, Laura, Lax, Zeb, and Addie Battles, as citizens by blood of the Cherokee Nation.

November 20, 1902, the Commission held the applicants are not entitled to enrollment.

The record in this case shows that the applicants are the children of William and Adeline Battles; that Adeline Battles and Laura and Lax Battles were admitted to citizenship in the Cherokee Nation on February 10, 1888; that Addie Battles was two years of age at the time of her mother's admission; that Zeb Battles was born since the date of his mother's admission; and that all of the names of said applicants appear on the 1896 roll. Adeline Battles removed to the Cherokee Nation with her children in 1890, resided therein until 1894, when she went back to North Carolina, taking her children with her, and she and said children have continued to reside in that state ever since and were residing there at the date of this application.

-2-

The Department on October 4, 1902 (I.T.D.5873), in the Archie Thornton case held that the law makes no exception in favor of minors. Under this holding and the Act of June 28, 1898, which provides that no person should be enrolled who had not theretofore removed to and settled in the nation in which he claims citizenship, the applicant is not entitled to enrollment, and the approval of the Commission's decision rejecting them is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

G.A.W.

S.

(C O P Y)

D.C. 1897-1903
I.T D. 8078-1902

EAF

L. R. S.

DEPARTMENT OF THE INTERIOR.

Washington January 15, 1903

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

November 24, 1902, you transmitted the record in the matter of the application for enrollment of Laura, Lax, Zeb and Addie Battles as citizens by blood of the Cherokee nation.

The evidence shows that these applicants are the children of William and Adeline Battles; that Adeline, Laura and Lax Battles were admitted to citizenship in said nation in 1888, and that all of the applicants are identified on the Cherokee census Roll of 1896; that the applicants and their mother have resided in the State of North Carolina ever since the year 1894. You denied the application November 20, 1902, in accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stats., 495).

The Commissioner of Indian Affairs forwarding the papers December 24, 1902, recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan
Acting Secretary

1 inclosure

Cherokee D-265

Muskogee, Indian Territory, January 29, 1903.

William T. Whitaker,

Pryor Creek, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of your four minor wards, Laura, Lax, Addie and Zeb Battles, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 15, 1903.

Respectfully,

Tamc Dixby.

Acting Chairman.

Cherokee D-265

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of William T.

Whitaker for the enrollment of his four wards, Laura, Lax, Addie and Zeb Battles, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 15, 1903.

Respectfully,

Tammie W. ...
Acting Chairman.

Cherokee R-797.

Muskogee, Indian Territory, February 12, 1903.

William T. Whitaker,
Pryor Creek, Indian Territory.

Dear Sir:-

When you applied to this Commission for the enrollment of Laura Battles, et al., you filed with that application a certificate of the Cherokee Commission on Citizenship showing the re-admission of Addy Battles, et al., on the 10th of February, 1888, to citizenship in the Cherokee Nation.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Encl. P-85.

RP

C O P Y.

WCF

DEPARTMENT OF THE INTERIOR,
Washington, April 2, 1904.

I.T.D. 8078-1902.
7162-1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 15, 1903, the Department affirmed your decision rejecting the application for the enrollment of Laura, Lax, Zeb and Addie Battles as citizens of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In your suggestion the Indian Office concurred, in its letter of October 7, 1903.

The Department considers it proper to remand this case, in order that further testimony may be taken, upon the request of the applicant or the Cherokee Nation, and for readjudication in accordance with present rulings. The decision of January 15, 1903, is therefore rescinded and the testimony and papers attached thereto are inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee R-797

Tahlequah, Indian Territory, April 16, 1904.

William T. Whitaker,

Pryorocreek, Indian Territory.

Dear Sir:

On April 4, 1904, the Secretary of the Interior rescinded his decision of January 15, 1903, approving the Commission's action denying the application for the enrollment of Laura, Lax, Addie and Zeb Battles as citizens by blood of the Cherokee Nation, and remanded that case for further testimony and readjudication.

You are, therefore, hereby notified that any further testimony you may desire to present on behalf of these applicants can be introduced at the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before May 16, 1904.

Evidence is particularly required as to residence.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFV

Cherokee R-797
(D-265)

Tahlequah, Indian Territory, April 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

On April 4, 1904, the action of the Secretary of the Interior of January 15, 1903, approving the Commission's decision denying the application for the enrollment of Laura, Lax, Addie and Zeb Battles as citizens by blood of the Cherokee nation, Cherokee R-797 (D-265), was rescinded and said case was remanded for further testimony and readjudication.

William T. Whitaker has this day been notified that any further testimony he may have to introduce on behalf of the applicants can be presented at the Cherokee Land Office of this Commission at Tahlequah, I.T., on or before May 16, 1904, at which time you can, if you desire, be present and introduce testimony on behalf of the Cherokee Nation.

Evidence is particularly required as to the residence of the applicants.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MPM

INDEXED

Cherokee Land Office,
Tahlequah, I. T.,
June 10, 1904.

Transmits original jackets
and records in three cases.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tahlequah, Indian Territory. June 10, 1904.

Commission to the Five Civilized Tribes,

(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith original jackets and records in the following applications for enrollment as citizens of the Cherokee Nation:

Cherokee R-797. Laura Battles, et al.
Cherokee R-712. Kate Wheeler.
Cherokee R-659. Beauford A. Wheeler.

On April 4, 1904, the Secretary of the Interior reopened these cases and remanded the same to the Commission for the purpose of taking additional testimony therein. On April 16, 1904, the principal applicants, their attorneys and the Attorney for the Cherokee Nation were advised of the action of the Department and notified that they would be given until May 16, 1904, within which to appear before this office for the purpose of offering additional testimony in the same.

There were no appearances in any of these cases on or

Commission --2.

before May 16, and the records in the same are therefore transmitted for such further action as the Commission desires to take.

Respectfully,

A handwritten signature in cursive script, appearing to read "C. R. Burdette".

Commissioner in Charge
Cherokee Land Office.

MBR
Encl R-195

COPY.

Cherokee R-797
et al.

Muskogee, Indian Territory, February 20, 1905.

W. T. Whitaker,

Pryor Creek, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Willie, Bruce, Steve, and Laura Battles et al., as citizens by blood of the Cherokee Nation you are advised that these cases will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 13, 1905, at which time the applicants will be permitted to introduce such testimony as they may desire in support of their rights to enrollment as citizens by blood of the Cherokee Nation.

You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in the matter of the said applications.

Respectfully,

Register.

(SIGNED) *Tams Bixby*
Chairman.

Cherokee R-797.

COPY.

Muskogee, Indian Territory, July 11, 1905.

William Henry white,

Attorney for Adeline Battles,

Columbian Building, 416 5th St., N. W.,

Washington, D. C.

Dear Sir:

There is herewith inclosed a copy of an order of the Commission to the Five Civilized Tribes, dated June 29, 1905, listing for enrollment Adeline Battles on Cherokee R Card No. 797, together with a receipt for same, which you will please sign and return to this office.

Respectfully,

SIGNED,

James E. Fixby.

Incl. L-19.

Commissioner.

Washington D. C. July 15, 1905.

_____ Indian Territory, _____ 190

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED
TRIBES one copy of the ~~testimony~~ ^{in order} listing for enrollment _____

Adeline Battles _____

Wm. Henry White, by

Harry S. Kimball
Attorney for Applicant.

Cherokee
R-797

copy.

Muskogee, Indian Territory, September 30, 1905.

Laura Battles,
Andrews, North Carolina.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting, among others, the application for the enrollment of yourself and brothers and sister, Lax, Addie, and Zeb Battles, and rejecting, among others, the application for the enrollment of your mother, Adeline Battles, as citizens by blood of the Cherokee Nation. Your attorneys, Kimball & White, Washington, D. C., have heretofore been furnished with a copy of the record of proceedings had in this case, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Incl. GL-51.
GHL

Cherokee
D-2631

COPY.

Muskogee, Indian Territory, September 30, 1905.

Steve Battles,

Pryor Creek, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, the application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. Your attorneys, Kimball & White, Washington, D. C., have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED)

Tams Bixby

Commissioner.

Incl. GL-52.
GHL

Cherokee
D-2632

Muskogee, Indian Territory, September 30, 1906.

Bruce Battles,

Pryor Creek, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1906, rejecting, among others, the application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. Your attorneys, Kimball & White, Washington, D. C., have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. GI-55.
GHL

Tamm Bixby.
Commissioner.

COPY.

Cherokee
D-2633

Muskogee, Indian Territory, September 30, 1905.

Willie Battles,

Andrews, North Carolina.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting, among others, the application for the enrollment of

yourself as a citizen by blood of the Cherokee Nation. Your attorneys, Kimball & White, Washington, D. C., have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. GL-54.
GHL

Tamm H. H.
Commissioner.

Cherokee
R-797 et al.

Muskogee, Indian Territory, September 30, 1905.

Kimball & White,

Attorneys for Laura Battles et al.,

Columbian Building, Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the applications for the enrollment of Laura, Iax, Addie, Zeb, and Willie Battles, and rejecting the applications for the enrollment of Adeline, Steve, and Bruce Battles, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. GL-55.
GHL

Commissioner.

Cherokee
R-797 et al.

Muskogee, Indian Territory, September 30, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the applications for the enrollment of Laura, Lax, Addie, Zeb, and Willie Battles, and rejecting the applications for the enrollment of Adeline, Steve, and Bruce Battles, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. GL-56.
GHL

T. A. R. B. G.
Commissioner.

Muskogee, Indian Territory, September 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Laura Battles et al., as citizens by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the applications for the enrollment of Laura, Lax, Addie, Zeb, and Willie Battles, and rejecting the applications for the enrollment of Adeline, Steve, and Bruce Battles, as citizens by blood of the Cherokee Nation.

The Cherokee Enrollment case of Laura, Lax, Addie, Zeb, and Adeline Battles, Cherokee R-797 (Cherokee D-265), was remanded by the Department for further hearing on April 2, 1904 (I.T.D. 7162-1903).

Respectfully,

CLINERY

James D. ...
Commissioner.

Incl. GL-57.
OHL

Through the
Commissioner of Indian Affairs.

Cherokee R-797.

Muskogee, Indian Territory, November 13, 1905.

Adeline Battles,

Andrews, North Carolina.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of November 1, (I.T.D. 13668-1905), in which the decision of the Commissioner to the Five Civilized Tribes, granting the application for the enrollment of, among others, your minor children, Lax, Addie and Zeb Battles, and rejecting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Department as to your minor children, and remanded to this office in order that a further hearing may be had in the matter of your application. Further testimony is desired as to your right to enrollment as a citizen of the Cherokee Nation, and especially as to your residence in the Cherokee Nation.

You are, therefore, hereby notified to appear before the offices of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 7, 1905, and give testimony as indicated. The Cherokee Nation will be permitted to appear on that date and introduce

-2-

any testimony it may desire in this case.

Respectfully,

LS
Register

Commissioner.

Cherokee R-797

Muskogee, Indian Territory, November 13, 1905.

William Henry White,
416 Fifth Street, N. W.,
Washington, D. C.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of November 1, 1905 (I.T.D. 13668-1905), in which the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for the enrollment of Willie Mc., Lax, Laura, Addie and Zeb Battles is affirmed, and the decision adverse to Adeline Battles, mother of applicants, Steve Battles and Bruce Battles is returned to this office and a rehearing ordered. Further testimony is desired as to the right of these applicants for enrollment, and especially as to their residence and property interests in the Cherokee Nation.

You are, therefore, hereby notified that Adeline Battles, Andrews, North Carolina, Steve Battles and Bruce Battles of Pryor Creek, Indian Territory, have this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, December 7, 1905, and introduce testimony as above indicated. The Cherokee Nation will also

be permitted to appear on that day and introduce such testimony as it desires in this case.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-126
Register

Commissioner.

Cherokee R-797.

Muskogee, Indian Territory, November 13, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of November 1, 1905 (I.T.D. 13668-1905), in which the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for the enrollment of Willie Mc., Lax, Laura, Addie and Zeb Battles is affirmed, and the decision adverse to Adeline Battles, mother of applicants, Steve Battles and Bruce Battles is returned to this office and a rehearing ordered. Further testimony is desired as to the right of these applicants for enrollment, and especially as to their residence and property interests in the Cherokee Nation.

You are, therefore, hereby notified that Adeline Battles, Andrews, North Carolina, Steve Battles and Bruce Battles of Pryor Creek, Indian Territory, have this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, December 7, 1905, and introduce testimony as above indicated. The Cherokee Nation will also

be permitted to appear on that day and introduce such testimony as it desires in this case.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. 8-1 27

Commissioner.

Cherokee A-797.

Muskogee, Indian Territory, November 13, 1905.

Laura Battles,

Andrews, North Carolina.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 1, 1905:

You are further advised that you will not be permitted to make an allotment selection in the Cherokee Nation until your name has been placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

LS

Commissioner.

Cherokee R-797,

COPY.

et al.

Muskogee, Indian Territory, December 12, 1905.

William Henry White,

Attorney for Adeline Pattles, et al.,

416 Fifth Street, W. V.,

Washington, D. C.

Dear Sir:

There is inclosed herewith copy of supplemental testimony of December 7, 1905, in the matter of the application for the enrollment of Adeline Pattles, et al., Cherokee R-797, et al.

Respectfully,

(SIGNED)

Wm. C. Deane
Acting Commissioner.

Incl. S-58

Cherokee R-797.

COPY.

Muskogee, Indian Territory, April 19, 1906.

Adeline Battles,

Andrews, North Carolina.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, rejecting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation. Your attorney, William Henry White, Washington, D. C., has heretofore been furnished a copy of the record of proceedings had in this case, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED).

W. H. Seal
Acting Commissioner.

Incl. S-88
Register

Cherokee R-797.

Muskogee, Indian Territory, April 19, 1906.

V. V. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 18, 1906, rejecting the applications for the enrollment of Adeline, Stephen D. and Bruce W. Patties as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. C-91

Wm O. Beale
Acting Commissioner.

Cherokee R-797,

COPY.

et al.

Muskogee, Indian Territory, April 19, 1906.

William Henry White,

Attorney for Adeline Pattles, et al.,

416 Fifth Street, W. V.,

Washington, D. C.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, rejecting the applications for the enrollment of Adeline, Stephen D. and Bruce W. Pattles as citizens by blood of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

(SIGNED).

Wm. O. Beall
Acting Commissioner.

Incl. S-90

COPY.

Muskogee, Indian Territory, April 19, 1906.

Honorable Tams Bixby,
Hotel Raleigh,
Washington, D. C.

Sir:

There is inclosed herewith, prepared for your signature, letter addressed to the Department transmitting record of proceedings and decision in the Cherokee enrollment case of Adeline Battles, et al., and motion of Cherokee Nation for review of Departmental decision of November 1, 1905, in the Cherokee enrollment case of Willie Battles, et al.

If the letter as prepared meets with your approval, please return one of the ribbon copies, after attaching your signature thereto, in order that a letter press copy of same may be made.

Respectfully,

(SIGNED).

Wm O Seall
Acting Commissioner.

Incl. 3-84.

COPY.

Muskogee, Indian Territory, April 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith the record of proceedings had in the Cherokee consolidated applications for enrollment as citizens by blood of the Cherokee Nation of Adeline Battles, et al., Stephen T. Battles, Bruce V. Battles and Willie Battles, together with the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, rejecting the applications for the enrollment of Adeline Battles, Stephen T. Battles and Bruce V. Battles, as citizens by blood of the Cherokee Nation.

The records of this office show that on November 20, 1902, the Commission to the Five Civilized Tribes rendered its decision rejecting the application of William T. Whitaker for the enrollment of Laura, Lax, Zeb and Addie Battles as citizens by blood of the Cherokee Nation; that on January 15, 1903 (I.T. N. 8078-1903), the Commission's decision was affirmed by the Department, and that on April 2, 1904 (I.T.D. 7162-1903), at the request of the Commission, the Department rescinded its decision as to said applicants, and remanded the case to the Commission for rehearing and readjudication. The records of this office

further show that on September 29, 1905, the Commissioner to the Five Civilized Tribes, consolidating the applications for the enrollment of Adeline Battles, et al., Steve (Stephen D.) Battles, Bruce (W.) Battles and Willie Battles, rejected the applications for the enrollment of Adeline, Steve and Bruce Battles, and granted the application for the enrollment of Willie, Laura, Lax, Addie and Zeb Battles, as citizens by blood of the Cherokee Nation, and that on November 1, 1905 (I.T.D. 13668-1905), the Department affirmed the decision of the Commissioner, dated September 29, 1905, insofar as it granted the applications for the enrollment of Willie Battles, Laura Battles, Lax Battles, Addie Battles and Zeb Battles, and remanded the case to the Commissioner for further hearing and readjudication so far as it rejected the applications for the enrollment, as citizens by blood of the Cherokee Nation, of Adeline Battles, Steve (Stephen D.) Battles, and Bruce (W.) Battles.

There is also inclosed a motion made by the attorney for the Cherokee Nation for a review of the Department's decision of November 1, 1905, affirming the Commissioner's decision favorable to the applicants, Willie, Laura, Lax, Addie and Zeb Battles.

The records of this office show that the names of Laura, Lax, Addie, Zeb and Willie Battles appear upon a schedule of citizens by blood of the Cherokee Nation, approved by the Department

January 13, 1906, opposite Nos. 32793 to 32797, respectively.

The record in the matter of the application for the enrollment of these applicants shows that they are children of William Pattles, deceased, a noncitizen of the Cherokee Nation, and Adeline Pattles, a Cherokee by blood; that Willie, Laura and Lax Pattles, with their mother, were admitted to citizenship in the Cherokee Nation on February 10, 1888, by the duly constituted authorities of the Cherokee Nation, and that about the year 1890, said applicants, with their mother, and the applicants, Addie and Zeb Pattles, who were born subsequent to said act of admission, removed from North Carolina to the Cherokee Nation, where they continuously resided for three or four years, when they returned to North Carolina and have since, up to and including September 1, 1901, continuously resided outside of the limits of the Indian Territory. The record further shows that the applicants have neither owned nor controlled any property in the Cherokee Nation since their removal therefrom in 1894.

The Commissioner found that the applicants, Willie, Laura, Lax, Addie and Zeb Pattles, were entitled to enrollment for the reason that they had not reached their majority on September 1, 1902, and therefore could not have forfeited their citizenship prior to that date.

The attorney for the Cherokee Nation contends that in accordance with the approved opinion of the Assistant Attorney

General for the Interior Department, dated December 28, 1905 (I.T.D. 13218-1905), these applicants are not entitled to enrollment as citizens by blood of the Cherokee Nation, and the applications for their enrollment should be rejected.

Under the rulings of the Department in the cases of Mary L. Strickland, et al., of January 4, 1906 (I.T.D. 18216-1906), Dock Davis, et al., of January 3, 1906 (I.T.D. 19726, 18214-1906), Hubert Henry, et al., of January 3, 1906 (I.T.D. 10072, 18218-1906), and Nellie Walker Litton, et al., of January 3, 1906 (I.T.D. 18258, 18212-1906), which decisions were, as will be noted, subsequent to the Department's decision in the cases of Willie Battles, et al., it is considered by this office that the motion should be granted, and it is so recommended.

Respectfully,

(SIGNED).

Tame Bixby.

Commissioner.

Incl. 9-93

Through the

Commissioner of Indian Affairs.

-Copy+

Refer in reply
to the following:
Land 38633-1906.

DEPARTMENT OF THE INTERIOR
Office of Indian Affairs.
Washington, June 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated April 19, 1906, transmitting the record of the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of Adeline Battles, Steve Battles and Bruce Battles.

April 19, 1906, the Commissioner decided adversely to the applicants.

The records show that on September 29, 1905, the Commissioner to the Five Civilized Tribes rendered his decision in the consolidated case of Laura Battles et al., under the rulings of the Department in the cases of John R. Ketchum et al., (I.T.D./1080-03), James Hunter et al (I.T.D.1970-03, Cleveland M. Patrick I.T.D.924-04), granting the applications for enrollment of Willie McC., Laura, Lax, Addie and Zeb Battles, minor children of Adeline Battles, and denying the enrollment of Adeline, Steve and Bruce Battles. On November 1, 1905 (I.T.D.13668-05), the Department affirmed the decision of the Commissioner favorable to the minor children and remanded the case for rehearing and readjudication as to Adeline, Steve, and Bruce Battles.

The record shows that the applicants are Cherokees by blood; that in 1888 they were admitted to citizenship by the legally constituted authorities of the Cherokee Nation and removed thereto in 1890; that after so removing they continued to reside therein until 1894 when they left the Nation and returned to their old home in North Carolina, where they have since continuously resided. It is further shown that the applicants own no property in the Cherokee Nation.

There is also enclosed a motion on behalf of the Cherokee Nation for review of the Department's decision of November 1, 1905, favorable to the minor children of Adeline Battles, Willie McC., Laura, Lax, Addie and Zeb Battles who also returned to North Carolina where they have continuously resided up to and including September 1, 1902, and have neither owned nor controlled any property in the Cherokee Nation since their removal therefrom in 1894.

In view of the record and of Sec. 21 of the Act of June 28, 1898 (30 Stats., 495), the approval of the Commissioner's decision adverse to the applicants, Adeline, Stephen D., and Bruce^WBattles, is recommended and the Commissioner's favorable report in the matter of reopening the Cherokee citizen case of Willie McC., Laura, Lax, Adeline and Zeb Battles in view of the decision in the case of Mary L. Strickland et al., of January 4, 1906 (I.T.D.18216-1905) is also recommended.

Very Respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
M.B.M.

I.T.D.10994-1906.

J.W.Jr.
LLB.

DEPARTMENT OF THE INTERIOR,

Washington, February 13, 1907.

U.R.C.

Direct

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On June 13, 1906 (Land 38633-1906), the Indian Office transmitted your report, together with the record of proceedings, in the matter of the consolidated applications for the enrollment as Cherokees by blood of Adeline Battles et al., Stephen D. Battles, Bruce W. Battles and Willie Battles.

On November 1, 1905, the Department affirmed your decision dated September 29, 1905, in this case, in so far as it granted the applications for the enrollment of Willie Battles, Laura Battles, Lax Battles, Addie Battles and Zeb Battles, and remanded for a further hearing and readjudication the applications for enrollment as citizens by blood of the Cherokee Nation of Adeline Battles, Steve (Stephen D.) Battles and Bruce (W) Battles.

You now transmit your decision dated April 19, 1906, rejecting those applications remanded to you for a further hearing and you also forward a motion filed by the attorney for the Cherokee Nation for a review of departmental decision of November 1, 1905, affirming your decision, favorable to the applicants, Willie,

--2--

Laura, Lax, Addie and Zeb Battles. You recommend that said motion be granted.

The Indian Office concurs in your recommendation for favorable action upon the motion and also in your decision, adverse to the other applicants. A copy of its letter is enclosed.

The department had reviewed your decision, favorable to the applicants Willie, Laura, Lax, Addie and Zeb Battles.

It appears that said applicants are the minor children of Adeline Battles and that they removed with their mother to the Cherokee Nation in 1890, remaining there until 1894, when they returned to North Carolina.

In view of these facts and opinion of the Assistant Attorney-General in the Lorenzo Newton Davis case, it is considered that your decision dated September 29, 1905, and affirmed by the Department November 1, 1905, is correct and should not be disturbed.

Your decision of April 19, 1906, adverse to the applicants, Adeline, Stephen D. and Bruce W. Battles, is affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inc. and 4 to Ind.Of.

Cherokee 2631

et al.

(COPY)

Muskogee, Indian Territory , March 14, 1907.

Steve Battles,

Pryor Creek, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1907, denying the application for the enrollment of yourself, Bruce and Adeline Battles, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 13, 1907.

Respectfully,

Enc I-74

RPI

Commissioner.

Cherokee D2631

et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, denying the application for the enrollment of Adeline, Steve and Bruce Battles as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 13, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Enc I-72

RPI

Commissioner.

Commissioner.

Enc I-73
Cherokee D2631
RPI Et al

(COPY)

Muskogee, Indian Territory, March 14, 1907.

Wm. Henry White,
514 Columbian Bldg.,
Washington, D.C.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, denying the application for the enrollment of Adeline Battles, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 13, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Enc I-73

Commissioner.

EPI

CHEROKEE

797
R 710

Laura Battles et al

Denied R 797

action approved by
Secretary of Interior Jan. 15-1902

Remand by the Secretary of
the Interior for further hearing
April 4-1904

Granted as to 1104 incl.
action approved by Secretary
of Interior Nov. 1-1905

1104 since transferred to
Cherokee 10957.

Transferred from Cher. A 263.

Cher R 798

Cher R 798

CHEROKEE CASE

No. D 4 2 3

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN THE MATTER OF THE
APPLICATION FOR ENROLLMENT

OF
Mattie L. Butler
Frank L. Butler
Myra L. Butler

As citizen of the Cherokee Nation.

Muskogee, I. T., Oct 28 1902

Respectfully forwarded to the Secretary of the Interior
for review.

Wm. L. ...
Acting Chairman.

R 798

CHEROKEE

Mathie J. Butler et al

no R 798

denied

action approved by
Secretary of Interior

Mar. 16-1905 Cancelled and
transferred to 10866
Transferred from Cherokee
D-423

Cher R 799

Cher R 799

CHEROKEE CASE

No. D 889

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE
APPLICATION FOR ENROLLMENT
OF

Virginia S. Anderson

8074.

1740

5 E. L.

As citizen of the Cherokee Nation.

Muskogee, I. T., NOV 24 1902 190

Respectfully forwarded to the Secretary of the Interior
for review.

Acting Chairman.

CHEROKEE

N 799

Virginia L. Lee Jones

DENIED

ACTION APPROVED BY
SECRETARY OF INTERIOR

APR 4 1904

*Mar 16. 1903 Cancelled
and transferred to 10865
Transferred from Cherokee*



799

Cher R 800

Cher R 800

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 4 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4th, 1901.

In the matter of the application of George W. Fields for the enrollment of himself as a Cherokee citizen; he being first duly sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A George W. Fields.
Q What is your age? A 53.
Q What is your post office address? A ~~Kiakmox~~ Fairland.
Q To what district do you belong? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A Intermarriage.
Q Who do you desire to enroll? A Just myself.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Eliza J., she is dead now.
Q What was her maiden name? A Elize J. McGhee.
Q How old would she be now? A If she was living she would be 53 years old.
Q Was she a Cherokee citizen by blood? A Yes, sir.
Q When did she die, A The 21st day of April, a year ago.
Q Have you a certificate of marriage? A Yes, sir.
Q Please present it? A

Com'r Needles:--Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married on the 26th day of December, 1869, to one Eliza J. McGhee.

- Q Did you live with her from the time of your marriage until her death? A No, sir.
Q Were you separated from her? A Yes, sir.
Q When? A Don't know exactly how long it was before she died.
Q About how long was it? A I think it was from about August until she died that we separated.
Q Did you live with her continuously from the time of your marriage until then? A Yes, sir.
Q Have you married since her death? A No, sir.
Q Did you get a divorce? A No, sir.
Q Did you leave her or did she leave you? A We just agreed to separate and divided the place; we lived on the same farm; she lived in one house and I lived in another.
Q Did you have any children? A Yes, sir.
Q Are they living? A Yes, sir.
Q Grown? A Yes, sir; all except one.

Upon examination of the 1880 Authenticated Roll of the Cherokee Nation there is found on page 100, #1028, the name of W. W. Fields, in Cooweescoowee district. Upon page 100, #1029, appears the name of Eliza Fields, in Cooweescoowee district.

Upon Examination of the 1896 Census Roll of the Cherokee Nation there is found the name of George W. Fields on page 582, #172, in Delaware district. On page 468, #1072, appears the name of Eliza Jane Fields, in Delaware District.

- Q The only trouble appears to be about this separation; did I understand you to say that you lived with her continuously from the time you married her until about a year before she died?
A Until about August before she died in April, a year ago.
Q Have you always lived in the Cherokee Nation? A Ever since the War I have made my home there, I have been out some.
Q For how long a time have you been out? A Well, I have been out several times; one time for over a year.

George W. Fields--2.

Q Did you make your home anywhere else during that time? A No, sir.

Q Did you take your family out with you? A No, sir; just went by myself with a team and camping outfit.

Com'r Needles:--The name of George W. Fields appears upon the authenticated roll of 1880 as an intermarried white/ and the name of his wife, Eliza J. Fields, appears upon the authenticated roll of 1880 as a Cherokee citizen by blood. Her maiden name is Eliza J. McGhee. Both the applicant and his wife appear upon the census roll of 1896. The applicant avers that he lived with his wife from the date of their marriage in 1869 up until about a year before her death and he states that they agreed between then to separate and divided their farm and other property and that he lived and one house and she in another on the same farm. The applicant is duly identified and makes satisfactory proof as to residence. Because of his separation from his wife, final judgment as to his enrollment as a Cherokee citizen by intermarriage will be suspended and his name will be placed upon a doubtful card.

--- 00000000---

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Chas. von Weise

Subscribed and sworn to before me this 4th day of March, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 4 1901

Handwritten signature

Statement of Applicant Taken Under Oath.

Sub.
CHEROKEES BY BLOOD AND ADOPTION.

93
Name *George H. Fields* Date *March 7* 1900.
District *Se* Year *1881* Page *100* No. *1028*

Citizen by blood *no* Mother's citizenship

Intermarried citizen *no*

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

| | | | | |
|-------|------|------|-----|-----|
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
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| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |

No. 1 on 1881 rec as G. H. Fields,

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 20, 1902.

In the matter of the application of George W. Fields for the enrollment of himself as a citizen of the Cherokee Nation.

Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902. Receipt has not been acknowledged of the Commission's letter.

J. C. STARR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. C. Starr. Postoffice Vinita, I. T. Age 31.

Q Are you stenographer for the Cherokee Nation? A Yes, sir.

Q Did you try to get any service on the applicant, George W. Fields?

A Yes, sir, I registered a notice to him at his postoffice at Fairland, I. T., the notice was returned by the postmaster saying that George W. Fields didn't get his mail at that point, and that his postoffice address was unknown.

MR. HASTINGS: The Cherokee Nation now moves to take some testimony in the above case without any further notice, as it is shown that he doesn't reside at the place where he gave his postoffice address when he applied to the Commission.

COMMISSION: The motion of the Cherokee Nation will be entertained and the testimony heard.

DAVID W. VANN, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A David W. Vann.

Q What is your postoffice? A Fairland, I. T.

Q What is your age? A My age is 44 years.

Q Are you a Cherokee? A Yes, sir.

Q Do you know the applicant, George W. Fields? A Yes, sir, George W. Fields, Sr., it was George W. Fields, Jr.

Q Is he a white man? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q Where did George W. Fields formerly live? A He lived there right close to Fairland.

Q What become of him? A Why he left the country two or three years ago.

Q Did he take his wife with him? A No, his wife died after he left, he left his wife with her father.

Q She was living when he left? A Yes, sir, she was living.

Q Do you know who he went off with? A No, sir.

Q Do you know whether he went off with another woman? A I have heard it said that he did, a woman left the neighborhood about that time.

Q That is the report? A Yes, sir, that is the report.

Q Was she a white woman? A Yes, sir, she was a white woman.

Q And he left his Cherokee wife there? A Yes, sir.

Q Do you know where he went to? A I don't know where he went to, it was kept a kind of a secret.

JOHN COLLINS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A John Collins.
Q What is your postoffice? A Siloam Springs, Arkansas.
Q Has it always been Siloam Springs? A No, sir.
Q You lived around Fairland once? A Yes, sir.
Q Did you know George W. Fields? A Yes, sir.
Q When did you last know him? A In 1898.
Q Was he living near Fairland then? A Yes, sir.
Q Where did he go? A I don't know.
Q Did he leave that neighborhood? A Yes, sir.
Q Do you know with whom he left? A Why I suppose it was my wife.
Q Was she a white woman? A Yes, sir.
Q They went off together? A Yes, sir.
Q At the same time? A Yes, sir.
Q You have never seen nor heard of her since? A No, her sister-in-law told me that they went off together.
Q This man was a white man and your wife was a white woman? A Yes, sir.
Q Well, he had a wife there, didn't he? A Yes, sir.
Q Did he run off and leave her? A Yes, sir.
Q Left her there in the neighborhood? A She died.
A Since, or do you know? A Yes, sir, I was there when she died.

JEFF MCGHEE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Jeff McGhee.
Q Your postoffice? A Daves Postoffice.
Q Do you know this applicant, George W. Fields? A Yes, sir.
Q Did he marry a relative of yours? A Yes, sir, married my sister.
Q Used to live near Fairland? A He lived about two miles south of Fairland, yes, sir.
Q and he left her? A Yes, sir.
Q Do you know where he went to? A No, sir, I do not.
Q Do you know of his going off with a former wife of Mr. Collins?
A I don't know, the report is that he went off with her, Collins' wife.
Q Well, he isn't living up there now? A No, sir.
Q He left his Cherokee wife? A Yes, sir.
Q She died since? A She died in the spring.

The applicant having this day been called, and failing to respond either in person or by attorney, it is deemed that the record in this case is completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

108

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Fields for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on March 4, 1901, George W. Fields appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory on March 20, 1902.

The evidence shows that the said George W. Fields was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on December 26, 1869 to Eliza McGhee. The said George W. Fields is identified on the authenticated tribal roll of 1880, and on the Cherokee Census roll of 1896.

It further appears from the evidence that the said George W. Fields lived with his said wife for thirty years following their marriage, and that in August 1899 they separated. Applicant testifies that they agreed to separate and divided the place; that they lived on the same farm, applicant living in one house and his wife in another. His said wife died in April, 1900.



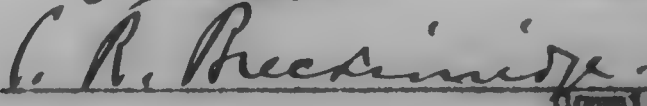
Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892) provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is the opinion of this Commission that George W. Fields abandoned his wife within the meaning of the section of the Cherokee law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should therefore be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this OCT 26 1902

(COPY)

Cherokee R-800

Delaware Dist.
Cherokee Nation.

December the 1st, 1869.

Licens Issued To G. W. Fields To marry Eliza J. M. McGhee A Cherokee woman A Legal-citizen of the Cherokee Nation, By Cherokee Blood, the said G. W. Fields having fulfill the Requirements of the Laws the Cher. nation, he being recommended to me by the following names of Cherokee citizens of the above said Dist & Nation, the said G. W. Fields being a gentleman with good morals and caracter and worthy of citizenship of this Nation.

The said G. W. Fields will be truly and lofly married by some administer of the Gospel and Licens return given from under my hand officially this is the 1st day December---1869

F. J. McGhee, Clerk Dist cl&
Circuit Ct Del. Dist. C. N.

To-wit:

1 J. B. Harlan
2 Wm. England.
3 V. V. Ward.
4 Bud Fields.
5 G. W. Fields.

6 Wm. H. Slane,
7 Alfred Bigion
8 Geo. W. Rogers.
OVER

-----o-----

I, certify that I have this day married George W. Fields a white man and Eliza J. McGhee a Cherokee woman. The same being in compliance with Cherokee law and I notify the Dist Clerk T. H. McGhee, so that it may be recorded in his office.

This 26 day of August, 1869.

Eli Butler?

Judge of Delaware District.

Cherokee Nation.

-----o-----

License issued to George Fields.

This is to certify By me that the within are the original Licens on file in the Clerks office Del. Dist. C. N. on this the 24th day November, 1887.

T. J. McGhee,

Clerk Del. Dist. C. N.

-----o-----

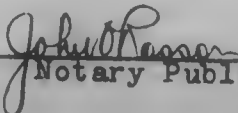
Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, Indian Territory.

February 19, 1903.

I, the undersigned, Chief Clerk Cherokee Land Office, and custodian of the records of said Land Office, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the Cherokee Land Office.


Chief Clerk Cherokee Land Office.

Subscribed and sworn to before me this the 19 day of February, 1903.


Notary Public.

10
10-11-08
FILED
MAR 1 1904

 ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1138

Muskogee, Indian Territory,

March 1,

1902.

Mr. George W. Fields,

Fairland, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 20, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application., **you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

~~Acting Chairman.~~
Commissioner in Charge.

AdOO

Cherokee D - 1138.

Muskogee, Indian Territory, October 27, 1902.

George W. Fields,
Fairland, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of the proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated October 27, 1902, rejecting said application.

The decision, with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Finby.
Acting Chairman.

Enclosure C. No. 22.
Register.

AG 00

Cherokee D - 1138.

Muskogee, Indian Territory, October 28, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, rejecting the application of George W. Fields for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James D. Bixby.
Acting Chairman.

Enclosure C. No. 23.

CC

Muskogee, Indian Territory, October 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings had in the matter of the application of George W. Fields for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated October 27, 1902, rejecting said application.

Respectfully,

Tams Bixby.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure C. No. 24.

Refer in reply to
the following:
Land
66030-1902.

Copy.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, Dec. 22, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of George W. Fields for the enrollment of himself as a Cherokee citizen.

The record evidence shows that on March 4, 1901, the applicant appeared before the commission and testified in his own behalf; that this testimony shows that he is 35 years old; that he lived in the Delaware District and claims to be a recognized citizen of the Cherokee Nation by intermarriage; that his wife, now deceased, was Eliza J. McGhee and a citizen by blood of the Cherokee nation; that she died on April 21, 1900, and that he and his said wife separated some time in August before she died.

The applicant further claims to have resided in the Cherokee Nation ever since the War excepting a short absence several times, one time for over a year; that he never had a home anywhere else and that he never took his family outside ^{of} the nation.

The record evidence further shows that on March 20, 1902, additional evidence was submitted on the part of the Cherokee Nation the applicant not being present at said hearing.

This testimony contradicts the statement of the applicant made herein, and shows that he did not reside, as he claimed in his testimony on the same farm with his wife at the time of her death, she living in one house and he in another, but shows that about 1898 he left the neighborhood in which he had resided in company with a white woman who one of the witnesses, John Collins, supposes was his wife, and that his whereabouts is not at this time known.

On October 26, 1902, the commission rendered a decision in this case holding that under the record facts herein section 667 of the Compiled Laws of the Cherokee Nation (1892) providing "that every person who shall lawfully marry under the provisions of this act and afterward abandon his wife shall thereby forfeit every right of citizenship of this nation," applies to the applicant in this case and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied.

The office concurs in the said decision of the commission and recommends that the same be affirmed by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

(W.C.B.) P.

D.C.1998-1903.

DEPARTMENT OF THE INTERIOR,

EAF.

I.T.D. 8013-1902.

Washington, January 19, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 28, 1902, you transmitted the record in the matter of the application for enrollment of George W. Fields as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the applicant was duly married in 1869, under Cherokee laws, to Eliza McGhee, and that in 1899 they separated. The applicant testifies that they agreed to separate, and divided their place, both living on the same farm, the applicant in one house and his said wife in another. It appears that the applicant is identified on the authenticated tribal roll of 1880 and the Cherokee census roll of 1896. You held October 27, 1902, that the applicant abandoned his wife within the meaning of section 667 of the Compiled Laws of the Cherokee Nation (1892), and therefore denied his application.

The Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter of December 22, 1902, is inclosed herewith.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee D-1138

Muskogee, Indian Territory, January 29, 1903.

George W. Fields,

Fairland, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated October 27, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior January 19, 1903.

Respectfully,

Tamm Dingo
Acting Chairman.

Cherokee D-1138

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision,
dated October 27, 1902, rejecting the application of George W.
Fields for the enrollment of himself as a citizen by intermarriage
of the Cherokee Nation, was affirmed by the Secretary of the
Interior January 19, 1903.

Respectfully,

Tame Bixby.
Acting Chairman.

Cherokee R-800

Muskogee, Indian Territory, February 24, 1903.

George W. Fields,

Fairland, Indian Territory.

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with that application a marriage license and certificate showing your marriage to Eliza I. McGhee.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Chairman.

Encl-S-25

GRS

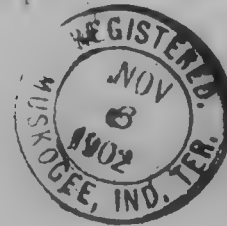
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



3644

Return to
George W. Fields

Fairland, Indian Territory

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

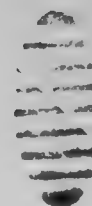


336
~~Mr. George W. Fields,~~

~~Fairland, Indian Territory.~~

3141

1588



CHEROKEE

R 800

George W. Fields

No - R 800 -

Denied

action approved by
Secretary of Interior
Jan., 19 - 1903

Transferred from Cherokee
D-1138

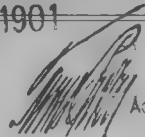
Cher R 801

Cher R 801

a 101173

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 29 1901



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 26th, 1901.

In the matter of the application of Herndon Lee Randall for the enrollment of himself and child as citizens of the Cherokee Nation; said Randall being sworn and examined by Commissioner T.B. Needles, testified as follows;

Q What is your name? A Herndon Lee Randall.
Q How old are you, Mr. Randall? A 36 years old.
Q What is your post office address? A Sallisaw.
Q What district do you live in? A Sequoyah.
Q Are you a recognized citizen of the Cherokee Nation? A I am adopted citizen.
Q You are a citizen by intermarriage? A Yes, sir.
Q Who do you desire to enroll? A One little girl.
Q Have you been enrolled yourself? A I don't know whether they have got my name on the rolls or not.
Q Is your wife living? A No, sir; she is dead.
Q Did you ever apply to the Dawes Commission for enrollment?
A No, sir; I would like to enroll.
Q Then you apply for yourself and one little girl? A Yes, sir.
Q What was your wife's name? A Rosetta.
Q What was her name before you married her? A Weaver.
Q Is she a citizen by blood? A Yes, sir.
Q Is she living? A No, sir.
Q When did you marry her? A I married her in '87.
Q Have you any certificate of marriage? A No, sir; I left my certificate with the Clerk according to the Cherokee Law.
Q About what would be her age now? A 34.
Q Did you marry in 1887 according to the laws of the Cherokee Nation? A Yes, sir.
Q Procured a license? A Yes, sir; I was married two years previous to that.
Q Where were you married? A Going Snake district.
Q When did she die? A A year ago last May.
Q Have you married since? A Yes, sir.
Q White woman? A I married a Cherokee.
Q What is her name? A Duncan.
Q Well, her full name? A Judie Duncan.
Q Is she done enrolled? A No, sir.
Q Is she a Cherokee by blood? A Yes, sir.
Q Why don't you apply for her enrollment then? A I will.
Q There is something you are not letting out here, it seems to me?
A All her folks have been enrolled, and they have not enrolled her; she come a little late to get on the roll.
Q You don't apply for the enrollment of your present wife do you?
A If I knew how to go about it.
Q You will have to say that you will apply for her? A Well.
Q What is her age? A 23 years old.
Q Is she a recognized citizen of the Cherokee Nation? A She is not admitted; her father applied to this Commission a few years ago.

BY J. L. BAUGH, Cherokee Representative:

Q What was her father's name? A Marion Duncan.

BY COMMISSIONER NEEDLES:

Q What is the name of the child you desire to enroll? A Viola May.
Q How old is it? A Eight years old.
Q What was her (Applicant's first wife's) father's name? A Joe Weaver.
Q Is he living? A yes, sir; I suppose he is.
Q What was her mother's name? A America.

- Q Is she living? A No, sir; she is dead.
Q What do you say you suppose she is enrolled as? A Jessie.
Q You think Jessie as enrolled there is she? A Yes, sir.
Q Why? A Because there is no other one named Jessie.
Q Did she have a sister named Jessie? A No, sir.
Q Did she have some sisters? A Yes, sir.
Q What were their names? A Brunette is one, Joanna.
Q You say Joseph Weaver was your wife's father? A Yes, sir.
Q Is Joe Weaver living? A Yes, sir.
Q Where is he living? A Going Snake.
Q Where was your wife born? A In going Snake, I won't be positive.
Q Did she always live in Going Snake? A No, sir, she lived in Sequoyah some.
Q Has she always lived in the Cherokee Nation? A Yes, sir.
Q Did you live with her continuously from the time of your marriage until her death? A Yes, sir.
Q Never separated? A No, sir.
Q Your present wife and her father and people have been denied by the Commission in 1896, we have no authority to enroll your wife?
A They have not been notified that they have been denied, I don't think.

Tribal Rolls of the Cherokee Nation examined and applicant's name and that of his child found thereon as follows:

1896 Census Roll; page 1096, #1242, Rosa Randall, Sequoyah District.

1896 Census Roll; page 1096, #1244, Viola Randall, Sequoyah District.

The name of the present applicant and that of his present wife are not found upon any of the rolls in the possession of this Commission.

- Q You were enrolled in 1896, were not you? A I don't know.
Q You say you were married in 1887? A Yes, sir.
Q What proof did you say you had of your marriage? A I haven't got any proof with me, but I can get proof in Going Snake.
Q Who married you? A Joe Smallwood.
Q What became of the license? A I returned them to the Clerk for record and never got them any more.
Q You can get a certificate copy of them? A I don't know; I wrote to his son for a copy of them and they could not get them.

COM'R NEEDLES:--Herndon L. Randall applies for the enrollment of himself, his present wife, Judie, and a child Viola: He avers that he was married to one Rosetta Weaver in the year 1887, a Cherokee citizen by blood, but makes no satisfactory proof of his marriage. He avers that as a result of said marriage he has one child, Viola May, eight years of age. The name of said Viola is found upon the census roll of 1896. The name of his wife, Rosetta, is identified upon the census roll of 1896. She cannot be fully identified upon the authenticated roll of 1880, but the indications are that she was a citizen of the Cherokee Nation and child of Joe Weaver, whose name appears upon the authenticated roll of 1880. The names of her brothers and sisters appear upon said roll. He avers that he lived with his wife continuously from the time of their marriage until the date of her death. Since her death he has married one Judie Duncan. The name of Judie Duncan is not found upon the authenticated roll of 1880, nor any of the rolls in the possession of this Commission, but the records of this Commission develop the fact that on September 7, 1896, the father of said Judie Duncan applied for the admission of himself and his

Herndon L. Randall, et al.--3.

family, including said Judie, to be admitted to citizenship, under the Act of June 10th, 1896; said case being #4965, page 539, Docket B, and that said Judie Duncan's application was refused and no appeal was taken; consequently the matter of the enrollment of the said Judie Duncan comes under the provisions of the Act of May 31st, 1900, under which Act the Commission is without jurisdiction to receive, consider or make any record of her application for the reason that she is not a recognized citizen of the Cherokee Nation and duly and lawfully enrolled or admitted as such, and for the further reason that she was refused admittance as stated in the testimony, by this Commission in 1896. The papers in the case of Judie Duncan will be forwarded to the Secretary of the Interior when the rolls of the Cherokee Nation are forwarded to him. By reason of the fact that the Secretary of the Interior has not yet decided upon the application of Judie Duncan, which will be forwarded to him, final judgment as to the enrollment of her husband, Herndon L. Randall, will be suspended and his name will be placed upon a doubtful card, awaiting the decision of the Secretary of the Interior as to the citizenship of his present wife. If she is not admitted to citizenship, of course, the said Herndon L. Randall will have married out under the laws of the Cherokee Nation.

The name of his child, Viola M., will also be placed upon the doubtful card and final judgment as to her enrollment will be suspended, awaiting further identification of her mother, Rosetta Weaver, upon the authenticated roll of 1880, and it will be necessary for said Herndon L. Randall to file with this Commission satisfactory proof of his marriage to Rosetta Weaver in order to aid in the enrollment of himself.

Now comes the Cherokee Nation by its representative, Mr. Baugh, and protests against the enrollment of the said Herndon L. Randall, having been placed upon a doubtful card, averring that by reason of the laws of the Cherokee Nation his marriage to Judie Duncan he has forfeited his right in the Cherokee Nation.

BY MR. J. L. BAUGH, Cherokee Representative:

- Q Who was the mother of Rosetta Weaver? A America.
Q Was she a white woman? A I think so; I never saw her.
Q Was she married to Rosetta's father? A Yes, sir.
Q Was his former wife living at the time, or do you know? A I could not tell you.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

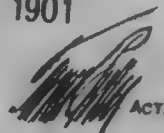
Subscribed and sworn to before me this 28th day of March, 1901.

M. D. Free
Notary Public
Commissioner.

B 12 11 73

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 26 1901

 ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

MAR 26 1901

Date.....1900.

Name.....*Wm. Randall Salsan Jr.*

District.....Year.....Page.....No.....

Citizen by blood.....Mother's citizenship.....

Intermarried citizen.....

Married under what law.....Date of marriage.....

License.....Certificate.....

Wife's name.....

District.....Year.....Page.....No.....

Citizen by blood.....Mother's citizenship.....

Intermarried citizen.....

Married under what law.....Date of marriage.....

License.....Certificate.....

Names of Children:

| | | | | | |
|-----------|--------------------|-----------|------------------|-----------------|--------------|
| <i>26</i> | Dist. <i>W. G.</i> | Year..... | Page <i>1696</i> | No. <i>1244</i> | Age <i>8</i> |
| | Dist..... | Year..... | Page..... | No..... | Age..... |
| | Dist..... | Year..... | Page..... | No..... | Age..... |
| | Dist..... | Year..... | Page..... | No..... | Age..... |
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| | Dist..... | Year..... | Page..... | No..... | Age..... |

26 *Wm. Randall Salsan Jr.*
1st - Born in Georgia, married, 1st wife
in 1880, died in 1885.
2nd - married in 1886, wife died in 1890.
3rd - married in 1891, wife died in 1895.

0401173

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 28 1902

ACTING CHAIRMAN

Supl.-C.D.#1173.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

SUPPLEMENTAL in the matter of the enrollment of HERNDON L. RANDALL as a citizen of the Cherokee Nation.

The applicant was notified by registered letter March 1st, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, and that on said day he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify that as Stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Herndon L. Randall for enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his child Viola M. Randall as a citizen by blood of the Cherokee Nation.

DECISION.

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The record in this case shows that on March 26, 1901, Herndon L. Randall appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Judie Randall, and his child, Viola M. Randall as citizens by blood of the Cherokee Nation. Judie Randall has been differently classified and is not embraced in this decision.

The evidence in this case shows that Herndon L. Randall testifies that he was married to one Rosetta Weaver in 1887. He presents no competent evidence of his marriage in accordance with the laws of the Cherokee Nation, and it further appears that the said Rosetta Weaver died in May, 1900, and that subsequent to her death the applicant married one Judie Duncan, who possesses no rights of Cherokee citizenship by blood.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 74 of the Compiled Laws of the Cherokee Nation (1875) provides:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It further appears that Viola M. Randall is the daughter of said Rosetta Weaver, who was the daughter of Joe Weaver, a citizen by blood of the Cherokee Nation. The name of Rosetta Weaver is not found upon the authenticated tribal roll of 1880, but she lived in the Cherokee Nation all her life, and on an examination of the tribal rolls, in the possession of this Commission, it appears that she is identified on the Strip payment roll of 1894, and the Cherokee Census roll of 1896, as a native Cherokee, and that her daughter, Viola M., is also identified on said rolls as a native Cherokee, and has resided in the Cherokee Nation since her birth.

-2-

It is, therefore, the opinion of this Commission that whatever rights of Cherokee citizenship Herndon L. Randall may have acquired by his marriage to Rosetta Weaver were forfeited by his marriage to Julie Duncan, who possesses no rights of Cherokee citizenship by blood, and that the application of Herndon L. Randall for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied under the provisions of law above quoted, and it is so ordered.

It is further the opinion of this Commission that Viola M. Randall should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.
Commissioner.
Commissioner

Dated at Muskogee, I. T.

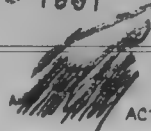
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 19 1901



ACTING CHAIRMAN.

(COPY)

Refer in reply to the following:

Land
29036-1901.

Department of the Interior,
Office of Indian Affairs.
Washington, July 10, 1901.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for the consideration of the Department a memorandum in the matter of the application of Herndon Lee Randall for the enrollment of himself, his wife, Judie Randall and his daughter Viola May Randall, as citizens of the Cherokee Nation.

On the hearing of the application before the Commission to the Five Civilized Tribes in Muskogee, I. T., March 26, 1901, the applicant states in his testimony that he was married in 1887 by Joe Smallwood to one Rosetta Weaver, a Cherokee citizen by blood, according to the laws of the Cherokee Nation; that he left his marriage certificate with the clerk according to the Cherokee law, which requires the clerk to record the same and return it to the owner. (Laws of the Cherokee Nation, 1892, section 664.)

"Every person performing the marriage ceremony, under the authority of a license provided for herein, shall be required to attach a certificate of marriage to the back of the license, and return it to the person in whose behalf it was issued, who shall within thirty days therefrom place the same in the hands of the district clerk, whose duty it shall be to record the same and return it to the owner."

He stated further in his testimony that he lived continuously with his wife until she died about a year ago last May; and that he has since married one Judie Duncan, a Cherokee woman, but not

an enrolled citizen of the nation. At the top of page 2 of the enclosed memorandum, the commission referring to his first wife's mother, asked him these questions:

"Q. Is she still living? A. No, sir; she is dead.

Q. What do you say you suppose she is enrolled as? A. Jessie.

Q. You think Jessie, as enrolled there, is she? A. Yes, sir."

What relevancy these questions have to any thing in the testimony preceding is not discernible to the office.

The statement was plainly made by the applicant that he had married Rosetta Weaver, and his statement could be easily verified by an examination of the record required to be kept by the clerk ~~with whom he says he left the certificate~~ and whose duty it was to record it.

The Commission states that his present wife, Judie Randall, and her father, Marion Duncan, and people, were denied enrollment by the Dawes Commission in 1896.

Accepting this statement as a correct quotation from the records, then Herndon Lee Randall married out of the Cherokee Nation; (Laws of the Cherokee Nation, section 666.)

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease," and instead of being placed on the doubtful list should be denied enrollment. Had the office the record of the application of the father of Judie Randall nee Duncan, a better understanding of the action of the commission would be obtainable.

The Commission quotes from its own records and states that those records show that the names of Viola May and Rosetta Randall are both on the census rolls of 1896.

Accepting these statements as correct quotations from the records, it is difficult to see why the child Viola May Randall should not be enrolled.

If the records referred to contain anything that has a tendency to cast a doubt on the merits of either case, those records should be forwarded to the office to enable it, from an examination of the same, to obtain every important feature of the case.

The law governing the enrollment of Cherokee citizens is found in the Indian Appropriation Act approved May 31, 1900, and reads as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

Under the provisions of this law the commission is limited to the question of previous recognition and lawful enrollment as a citizen of the Cherokee nation.

The judgment of the commission in this case denies enrollment to his present wife, Judie Randall nee Duncan, and places the names of the applicants, Herndon Lee Randall and Viola May Randall upon a doubtful card, awaiting the decision of the Secretary of the Interior.

After a careful examination of the memorandum and the Cherokee law bearing on the subject, the conclusion of the office, from the

record before it, is that the finding of the commission denying enrollment of Judie Randall, the present wife of the applicant, should be approved; that section 666, above quoted, considered in connection with the action of the Dawes Commission when it decided in 1896 that his present wife was not entitled to enrollment, and, therefore, not a citizen, clearly places him beyond the probability of being a citizen entitled to enrollment. Therefore it is recommended that his name be removed from the doubtful list and placed among the number of those who are denied enrollment; further, that as the commission recites the fact that both Viola Randall and her mother, Rosetta Randall, are found upon the census roll of 1896, presumably placed there by the Dawes Commission or the tribal authorities, and that being the necessary requirement of the law of May 31, 1900, it is, therefore, recommended that the name of Viola May Randall, his child by his first wife, who was a recognized citizen of the Cherokee nation, be taken from the doubtful list and placed upon the list of those entitled to enrollment as citizens of the Cherokee nation, and that proper notice of these facts be given all parties.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

A.B. (Ba)

(COPY)

D. C. No. 14244-1901.

53017.

Department of the Interior,
Washington.

F.
L. P.

September 25, 1901.

I.T.D. 2916-1901.
L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the application of Herndon Lee Randall for the enrollment of himself, wife and minor child as citizens of the Cherokee Nation. The case was submitted with the Commissioner's letter of July 10, 1901, a copy of which is inclosed.

It appears that Randall was married to Rosetta Weaver, a Cherokee citizen, in 1887, but he has not furnished satisfactory evidence of his marriage; that, as a result of this marriage, is the child Viola for whom he applies; that Rosetta Randall, at the time of the application, had been dead about a year, and that Randall had married Judie Duncan for whom he applies.

You stated that the name of Viola is found upon the census roll of 1896 and the name of Rosetta on the census roll of 1896; that she cannot be fully identified upon the authenticated roll of 1880; that the name of Judie Duncan is not found upon any roll in the possession of the Commission, and that an

application for Judie's admission as a Cherokee citizen was rejected by your Commission in 1896, from which no appeal was taken. You, therefore, acting under the provisions of the act of May 31, 1900 (31 Stat., 221), rejected the application of Judie Randall, and suspended action as to Randall to await the action of the Department in the case of his wife Judie. You stated that if she is not admitted to citizenship, of course Randall "will have married out" under the laws of the Cherokee Nation.

You held as to Viola Randall that final judgment would be suspended awaiting further identification of her mother upon the roll of 1880 and satisfactory proof of Randall's marriage to her mother.

The Commissioner of Indian Affairs quotes the law of the Cherokee Nation, that -
"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

and holds that Randall's name should be taken from the doubtful list, and that he should be denied enrollment; that Viola Randall's name should be taken from the doubtful list and that she should be enrolled, and that your decision as to Judie Randall should be affirmed.

The Department concurs in his recommendation as to Judie Randall, and the application as to her is rejected. It considers that the Commission was warranted in its action as to Randall and his daughter Viola. Accordingly Randall's application should be rejected by the Commission, and appropriate action should be taken in the case in regard to Viola Randall.

Respectfully,

Thos. Ryan,
Acting Secretary,
E.H.D.

1 inclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 17, 1901.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

The Commission is in receipt of Departmental letter of September 25, which states:

"The Department has considered the application of Herndon Lee Randall for the enrollment of himself, wife and minor child as citizens of the Cherokee Nation. The case was submitted with the Commissioner's letter of July 10, 1901, a copy of which is enclosed."

The Department treats all of the applications embraced in the foregoing as before it for review; and, after discussing the merits of the respective applicants, refers to the recommendations of the Commissioner of Indian Affairs as follows:

"The Commissioner of Indian Affairs holds that Randall's name should be taken from the doubtful list, and that he should be denied enrollment; that Viola Randall's name should be taken from the doubtful list, and that she should be enrolled, and that the decision as to Judie Randall should be affirmed."

In conclusion,

"The Department concurs in his (the Commissioner of Indian Affairs) recommendation as to Judie Randall, and the application as to her is rejected. It considers that the Commission was warranted in its action as to Randall and his daughter, Viola. Accordingly, Randall's application should be rejected by the Commission, and proper action should be taken in the case in regard to Viola Randall."

The persons referred to appear in the Commission's records

Secretary-----2.

as follows:

Cherokee Memorandum Case Number 325 includes only Judie Randall.

Cherokee Doubtful Case Number 1173 includes only Herndon L. Randall and Viola H. Randall.

A further examination of the record shows that on March 26, 1901, application was made for the enrollment of these persons, and that they were tentatively assigned by the examining official into two classes: First, the applicant's present wife, Judie Randall, was listed to be reported to the full Commission as a party who should be refused under the Act of May 31, 1900. Second, Herndon Lee Randall and his child by his deceased wife, the name of which child is Viola May Randall, were in the same tentative manner listed by the examining official in the "doubtful" class.

The field work is necessarily done under such pressure that, as well understood at the time, both of these classifications would have to be reviewed by the Cherokee Division before either of the cases could properly be submitted even to the Commission; and, as shown at the time, the doubtful case was still in a very incomplete condition.

The record further discloses that on May 9, 1901, the Memorandum Case, Number 325, of Judie Randall, the applicant's present wife, was reviewed by Commissioners Needles and Breckinridge; and this case, with a number of other cases of the same character, was at that time, upon such review, reported by the Cherokee Division to the Commission, with the recommendation that a decision be rendered and entered, refusing the applicants therein enumerated a right to enrollment, in accordance with the Act of Congress

Secretary-----3.

approved May 31, 1900.

The foregoing report is shown to have been considered by the full Commission on May 11, 1901; and as respects this case of Judie Randall, as well as many other cases of the same character, the application was "refused by said Commission, in accordance with the following provision of the Act of Congress approved May 31, 1900," at which point the well-known provision of said Act was quoted.

This decision of May 11, 1901, which was duly forwarded to the Department, was the decision the Commission rendered with respect to the Memorandum Case of Judie Randall. The papers which the Department received respecting this case, and which are of date March 26, 1901, are simply accompanying papers; and it is not in them that is to be found any decision rendered by the Commission. They are pertinent and of value at this time only as support to the decision rendered by the Commission May 11, 1901.

As respects the "doubtful" case, Number 1173, of Herndon L. Randall and his deceased wife's child, Viola May Randall, this is still held in the records of the Cherokee Enrollment Division as a doubtful case. It has not yet been reviewed by the Cherokee Division preparatory to its presentation to the Commission for a decision; and consequently, it has not been submitted to the Department for approval or disapproval, the Commission not having rendered any decision thereon, nor had an opportunity to do so.

It may be added that it is not contemplated to refer this doubtful case to the Department until it ceases to be a doubtful case, for in due time, when the case is ready for final consider-

Secretary-----4.

ation, the Commission will be called upon to resolve its doubts and to conclude the case definitely in order to have a "decision" for the Department to approve or disapprove.

This doubtful status is only a preliminary stage and designation of the work of the Commission, internal to itself; and the designation is used only so long as a case may still be in an incomplete state or not ready for definite classification, even as respects its being reported by the Division to the Commission. It might as well be designated "incomplete," or "awaiting classification," or any other similar designation. No doubtful case, therefore, will ever be presented to the Department. It will always be an accepted or a rejected case.

It follows from what has been stated that the names of Herndon L. Randall and of his deceased wife's child, Viola Kay, only appear in the Judie Randall case, and only appear before the Department, in an incidental manner. As they were all applied for at the same time, it is not possible to eliminate their names from the testimony and proceedings, though what relates to them may not be in any manner pertinent to the merits of the immediate case decided and reported.

In view of the foregoing, it is respectfully requested that the Department cancel its letter of September 25, 1901, except insofar as it approves of the decision of the Commission refusing enrollment to Judie Randall, embraced in Cherokee Memorandum Case Number 325.

Respectfully,

Land

64319-1901

C O P Y .

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, November 26, 1901.

C.F.L.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed letter of the Commission to the Five Civilized Tribes, dated October 17, 1901, relative to the matter of the application of Herndon Lee Randall for the enrollment of himself, wife and minor child as citizens of the Cherokee Nation.

The Commission explains that it is evident this office and the Department did not fully understand the matters in connection with the case which had been passed upon by the Commission and by it submitted for Departmental action, explains at length its methods of doing business and calls attention to the fact that the interests of parties whose names have been placed upon doubtful cards, as was done in this case, have not been passed upon by it, and consequently are not in shape for submission to the Department. In other words, this office made recommendations and the Department acted on matters which were not ready for submission and which the Commission did not intend to submit.

This office has noted the points made in the letter and recommends that the request therein set forth be complied with.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

E.B.H.(E.)

(COPY).

(D.C.17096.)

L.R.S.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.P.
P.

I.T.D. 2916 &
8193-1901.

November 29, 1901.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 18, 1901, (as shown by endorsement on jacket - there was no letter of transmittal), the Commission transmitted the memorandum "in the matter of the application of Herndon Lee Randall for the enrollment of himself and child as citizens of the Cherokee Nation."

The jacket is marked "Memorandum in the matter of the application for enrollment of Judy Randall." It was stated by Commissioner Needles in the beginning of the decision attached to the memorandum, that "Herndon L. Randall applies for the enrollment of himself, his present wife, Judie, and a child Viola." An opinion was expressed therein as to the rights of each applicant mentioned.

On September 25, 1901, the Department stated that it had "considered the application of Herndon Lee Randall for the enrollment of himself, wife and minor child as citizens of the Cherokee Nation."

The Department did not concur in the views of the Commissioner of Indian Affairs holding that "Randall's name should be taken from the doubtful list, and that he should be denied enrollment;

that Viola Randall's name should be taken from the doubtful list, and that she should be enrolled, and that the decision as to Judie Randall should be affirmed," except as to Judie Randall. It was stated that the Department concurred in the recommendation of the Commissioner as to Judie Randall, and the application as to her was rejected; that it considered the Commission was warranted in its action suspending application as to Mr. Randall and his daughter, Viola; that Randall's application should be rejected by the Commission and proper action by the Commission should be taken in the case in regard to Viola Randall.

In your letter of October 17, 1901, you stated that the Commission only intended to submit the case of Judie Randall, and you are advised that the Department so understood, though what appeared to be the decision of the Commission involved to a considerable extent the rights of the other individuals mentioned in the application. The copy of the "decision" of May 11, 1901, was not before the Department.

You enter into a lengthy statement as to the complex manner in which the claims of these persons were considered by the Commission, and as to how it anticipated submitting the cases of Herndon Randall and Viola Randall, and request that departmental decision "be canceled except insofar as it approves of the decision of the Commission refusing enrollment to Judie Randall."

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The Department rendered a decision as to Judie Randall only and while it stated that Herndon L. Randall's application should, apparently, be rejected by the Commission, it anticipated that the memorandum in that case would in due time be submitted to the Department, as also that in the matter of Viola Randall, in regard to which, as above stated, it was said that proper action should be taken by the Commission. The Department, therefore, sees no reason to "cancel" any portion of its letter.

A copy of the Commissioner's letter of November 26, 1901, transmitting your communication of October 17th, in which he recommends that your request be granted, is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

16

18113

RECEIVED
MAR 3 1902

~~Handwritten signature~~
ACTING CHAIRMAN

COMMISSIONERS

HENRY L. DAWES.

TAMM BIXBY

THOMAS B. NEEDLES

C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN REPLY TO THE FOLLOWING

Cherokee D-1173

Muskogee, Indian Territory, **March 1,**

1902.

Mr. Herndon L. Randall,

Sallisaw, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself and one minor child**

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 20, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

Acting Chairman.
~~Commissioner~~
Commissioner in Charge.

Copy.

Refer in reply to
the following:
Land

66030-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, Dec. 22, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Herndon L. Randall for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Judie Randall and his child Viola M. Randall, as citizens by blood of the Cherokee Nation.

On September 26, 1902, the commission rendered a decision in said case finding that the application of the said Herndon L. Randall for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied and further finding that his said daughter, Viola M. Randall, should be enrolled as a citizen of the Cherokee Nation.

The record facts are fully set out in said decision, as follows:

"The record in this case shows that on March 26, 1901, Herndon L. Randall appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of

his wife Judie Randall, and his child, Viola M. Randall, as citizens by blood of the Cherokee Nation. Judie Randall has been differently classified and is not embraced in this decision."

The evidence in this case shows that Herndon L. Randall testifies that he was married to one Rosetta Weaver in 1887. He presents no competent evidence of his marriage in accordance with the laws of the Cherokee Nation, and it further appears that the said Rosetta Weaver died in May , 1900, and that subsequent to her death the applicant married one Judie Duncan, who possesses no rights of Cherokee citizenship by blood.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens, 'with such intermarried white persons as may be entitled to citizenship under Cherokee laws.'

Section 74 of the Compiled Laws of the Cherokee Nation (1875) provides:

'Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.'

It further appears that Viola M. Randall is the daughter of said Rosetta Weaver, who was the daughter of Joe Weaver, a citizen by blood of the Cherokee Nation. The name of Rosetta Weaver is not found upon the authenticated tribal roll of 1880, but she lived in the Cherokee Nation all her life, and on an examination of the

tribal rolls, in the possession of this Commission, it appears that she is identified on the Strip payment roll of 1894, and the Cherokee Census roll of 1896, as a native Cherokee, and that her daughter, Viola M. is also identified on said rolls as a native Cherokee, and has resided in the Cherokee Nation since her birth.

It is, therefore, the opinion of this Commission that whatever rights of Cherokee citizenship Herndon L. Randall may have acquired by his marriage to Rosetta Weaver were forfeited by his marriage to Judie Duncan, who possesses no rights of Cherokee citizenship by blood and that the application of Herndon L. Randall for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied under the provisions of law above quoted, and it is so ordered.

It is further the opinion of this Commission that Viola M. Randall should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered."

A review of the record evidence by the office shows that the facts as alleged therein clearly support the finding of the commission as aforesaid.

The office therefore recommends that said decision be approved and affirmed by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

(W.C.B.) P.

DC. No.1904.

DEPARTMENT OF THE INTERIOR,

EAF.

WASHINGTON.

ITD. 8005-1902.

January 17, 1903.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

October 28, 1902, you transmitted the record in the matter of the application for enrollment of Herndon L. Randall as a citizen by intermarriage, of the Cherokee Nation, and for enrollment of his wife Judie Randall, and his child Viola M. Randall, as citizens by blood, of said nation. It is stated in your decision of September 20, 1902, that Judie Randall has been differently classified and is not embraced in this decision.

The evidence shows that Herndon L. Randall in 1887 married Rosetta Weaver whose name is on the strip payment roll of 1894 and the Cherokee census roll of 1896, as a native Cherokee; that Viola M. Randall is the daughter of Rosetta and Herndon L. Randall, and that she is also identified on said rolls as a native Cherokee, and has resided in said nation since her birth; that subsequent to the death of his said wife Herndon L. Randall married one Judie Duncan who "possesses no rights of Cherokee citizenship by blood." You held that Viola M. Randall should be enrolled, and that Herndon L. Randall forfeited his rights of Cherokee citizenship by his marriage to Judie Duncan. See section 74, Compiled ^L Laws of the Cherokee Nation (1875).

-2-

Forwarding the papers December 22, 1902, (Land 66030-1902),
the Commissioner of Indian Affairs recommends approval of your
decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(signed) Thos Ryan
Acting Secretary.

1 inclosure.

COPY.

Cherokee D-1173

Muskogee, Indian Territory, January 29, 1903.

Herndon L. Randall,

Sallisaw, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and granting your application for the enrollment of your minor child, Viola M. Randall, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 17, 1903.

Respectfully,

Acting Chairman.

COPY.

Cherokee D-1173

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated September 20, 1902, rejecting the application of Herndon L. Randall for the enrollment of himself as a citizen by intermarriage, and granting his application for the enrollment of his minor child, Viola M. Randall, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 17, 1903.

Respectfully,

Acting Chairman.

Cherokee D - 1173.

Muskogee, Indian Territory, October 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted a copy of the record of the proceedings had in the matter of the application of Herndon L. Randall for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his child, Viola M. Randall, as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated September 20, 1902, rejecting said application as to Herndon L. Randall.

Respectfully,

B. W.
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure C. No. 32.

Cherokee D - 1173.

024

Muskogee, Indian Territory, October 28, 1902.

Herndon L. Randall,

Sallisaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your minor child, Viola M. Randall, as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your said application as to yourself, and granting your application for the enrollment of your minor child, Viola M. Randall.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tam. D. D.

Acting Chairman.

Enclosure C. No. 31.

Register.

Cherokee D-1173

Muskogee, Indian Territory, October 28, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, rejecting the application of Herndon L. Randall for the enrollment of himself as a citizen by intermarriage, and granting the application for the enrollment of his minor child, Viola M. Randall, as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on September 24, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamc Bixby.
Acting Chairman.

Cherokee D 1173.

Muskogee, Indian Territory, September 24, 1902.

W. T. Hartings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, rejecting the application of Herndon L. Randall for the enrollment of himself as a citizen by intermarriage, and granting his application for the enrollment of his child, Viola M. Randall, as a citizen by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 4.

CHEMUNEE

B 801

Department of the Interior.

Commission to the Five Civilized Tribes.

In tr

ds

Herndon J. ...

DENIED

B 801

ACTION APPROV. BY
SECRETARY OF INTERIOR

*Transferred from Chemunee
D 1173
see Chem. No. 10069.*

Let₂

Cher R 802

Cher R 802

1343.

COMMISSION TO THE UNITED STATES

FILED

JUN 23 1902

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 23, 1903.

In the matter of the application of Samuel Underwood for the enrollment of himself, his wife and child as citizens of the Cherokee Nation. The said Samuel Underwood, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A My name is Samuel Underwood.
- Q How old are you? A I am 45 years old.
- Q What is your postoffice address? A Wauhatchie, Indian Territory.
- Q What district do you live in? A Tahlequah District.
- Q Do you apply for enrollment as a Cherokee by blood? A For my family only.
- Q Don't you apply for yourself? A No, sir, I don't apply for myself.
- Q You don't apply for yourself? A Because there's a protest in the Council against my claim, and I haven't the evidence sufficient to continue it, and I only apply for my family.
- Q What does your family consist of, how many members? A There's only two now; I have lost two of my children since I have come to this country. My wife and one child.
- Q What's the name of your wife, do you apply for her; she's living, is she? A She's living; I apply for her, Martha Underwood, nee Martha Brackett.
- Q How old is she? A She's 45.
- Q Is she living at Wauhatchie with you? A Yes, sir.
- Q What's the name of your child? A Luster.
- Q How old is that child? A He's 20 years old.
- Q Is he living? A Yes, sir, at home with me.
- Q Is that your child by your wife Martha? A Yes, sir.
- Q Your wife's a Cherokee by blood? A Yes, sir.
- Q How much Cherokee blood do you claim for her? A Why she claims one-sixteenth I think.
- Q What's the name of her father? A Her father was named Benjamin Brackett.
- Q Is he living? A No, he's dead.
- Q Was he a Cherokee? A No, sir, he was a white man.
- Q What's the name of your wife's mother? A Susie Brackett.
- Q Is she living? A No, sir, she's dead.
- Q Was she a Cherokee? A She was a Cherokee by blood.
- Q Did she reside in the Cherokee Nation? A No, she died back in the old country in Georgia.
- Q Where was your wife born? A She was born if I mistake not in Tennessee.
- Q When did she come to the Cherokee Nation? A In 1890, March, 1890.
- Q Was this child of yours born in Tennessee? A He was born in Georgia, mine was.
- Q Luster? A Yes, sir.
- Q Where has your wife been living since she came to the Nation in 1890? A Been living in Tahlequah District ever since we came to this country in 1890.
- Q Has she ever been outside of the Cherokee Nation since that time? A Never has.
- Q Has this boy ever been outside? A No, sir, he has never been outside of the Nation since we moved here.
- Q Are you yourself a Cherokee by blood? A I claim the right, and my evidence was absent when they had our trial, and they filed a protest against us, and they never did go on with the trial any further.
- Q When was this trial that you speak of and before what body? A There was never no trial on my part.

- Q Well did you make application to the tribal authorities for admission to citizenship? A Yes, sir, I had an attorney to.
- Q Did they admit or did they reject you? A They never did either one, they never tried it, no trial.
- Q Did you draw the strip money in 1894 for yourself? A Yes, sir, I drew the strip money, when I drew my money, my wife went and drew money and when she came home why she had money for me and her both.
- Q Drawn by a special act of the council? A Yes, sir, special act of the council, you see the papers there.
- Q If you drew money for yourself in 1894, as well as for your wife and children, why don't you make application for the enrollment of yourself now as a citizen by blood? A Well I haven't the evidence at hand that I could get at all.
- Q Well are you aware of the fact that on the first day of July, 1902, the Cherokee rolls close, and that after that time we can't hear any applications? A You can't!
- Q No, sir. A Well I didn't know that until this young man told me the other day up at his camp.
- Q If you don't make your application prior to that time we can't receive it. A Well I'll have to have a day or two to try to look after my evidence, there would be no use to try=
- Q Well I would suggest that you make application now for yourself.
- A For myself.
- Q As well as for your wife and child. A Well I can make the application and get the evidence if I can.
- Q All right; how much Cherokee blood do you claim? A One-eighth.
- Q What's the name of your father? A My father's name was Ira Underwood.
- Q Is he living or dead? A He's dead.
- Q Was he a Cherokee or a white man? A He was a Cherokee.
- Q Did he ever reside in the Cherokee Nation? A No, sir, he never did.
- Q What's the name of your mother? A My mother was named Mary Underwood.
- Q Is she living? A She's living, yes, sir.
- Q Is she a Cherokee or a white woman? A She's a white woman.
- Q Where does she live now? A She lives with me.
- Q Where were you born? A I was born in Georgia.
- Q When did you come to the Cherokee Nation? A In 1890.
- Q And where have you been living since 1890? A In Tahlequah District.
- Q Have you been outside of the Nation since that time? A No, sir, not more than two or three days at a time on business sometimes.
- Q Have you ever made your home outside of the Indian Territory since 1890? A No, sir, never have; I am living in the same settlement that I lived in when I first came to the country near Wauhatchie Post-office. I have never changed my postoffice since I came here in 1890.

It appears from a certified copy of an act of the Cherokee National Council now in the possession of this Commission, and which act was approved November 27, 1894, that Samuel Underwood, his wife, Martha Underwood, and their son, Luster Underwood, received the sum of \$265.70 each.

- Q Have you, your wife or child ever drawn any money other than this strip money? A Yes, sir.
- Q When? A They drew in 1891, \$15.70 to the head.
- Q What district were you living in at that time? A Tahlequah District.

Q How much money did you draw for yourself in 1890? A In 1890?
Q Yes, sir. A 1891 \$13.70 I think to the head, if I mistake not.
Q That was in Tahlequah District? A Yes, sir, that was in
Tahlequah District. I was also allowed subsistence and removal
money to this country, was allowed but didn't receive the money
on account of the appropriation being exhausted before they reached
me.

The Cherokee Roll of 1890, Tahlequah District, examined,
and that page upon which should appear the names of all persons
whose names begin with the letter U has been destroyed and
torn from the book, and the roll in the possession of the Com-
mission being the original roll made in 1890 and the Commission
not being aware that copies thereof were ever made, it is unable
to determine whether or not the applicant did draw the money in
1890 as stated by himself.

Q Where were you living in 1896 when the authorities of the Cherokee
Nation took the census? A I was living in Tahlequah District.

Q Did you apply to those authorities for enrollment? A Yes, sir,
I applied to those authorities for enrollment.

Q What did they tell you? A They refused to enroll me.

Q On what ground? A They didn't give any grounds whatever, and
that's the reason that I had to apply to the council for enrollment.

Q When did you make this application to the council, at what time?
A In 1894?

Q No; I want to find out what year you made this application to
the council, not for this strip money, but as you say you had to
apply to the council because they wouldn't enroll you? A Yes, sir.

Q Now was that after 1896 that you made this application to the council
or prior to that time? A It was, well it was 1894.

Q Well that was the time that you made application for your pro-rata
share of the strip money? A Yes, sir.

Q Now you also stated that you made application, if I understand
correctly, to the council for admission to citizenship in the
Cherokee Nation; what year was that application made? A That was
in-let me study a little, I want to get it correct; that application
was made before I moved to this country in 1889 I believe; I
won't say positive, but I think it was in 1889, sent the appli-
cation to my brother-in-law, Ben Brackett, and he presented them to
the Council.

Q Do you know whether any action was ever taken by the Council as
regards their application? A In the first place it was laid over
by the fault of the attorney, Gus Ivey, laid over by the fault of the
attorney.

Q Now has your wife any brothers or sisters? A She has two brothers
living in Sequoyah District.

Q What are their names? A One is Benjamin Brackett and the other
Adam.

Q Now did they come to the Nation at the same time that you came? A
No, they came before we came.

Q How much before? A Well Ben Brackett come about four or five
years, I reckon, before we did; I wouldn't say positive how long, but
I could know just about=

Q Now Ben Brackett was admitted to citizenship here in the Cherokee
Nation by the tribal authorities of the Nation? A Yes, sir.

Q Now when they made that application for admission was your name
as well as the name of your wife, embraced in his application? A
No, I made my application individually after I came to this country,
but my wife's application and children's is what I am talking about
now.

Q When was the application made for your wife and children then? A
Wife and children was in 1889 I think.

Q At the same time that Brackett made his application? A At the same time all the rest of those Bracketts made their's back there, but Ben had done applied for his citizenship before we sent our applications up from Georgia.

Q Well were any of those Bracketts who lived in Georgia admitted?

A They were all admitted I think, every one of them, I don't think there's one left out.

Q Are they all living here? A All living here now.

Q Was your wife admitted? A No, not at that time.

Q Well was she admitted later? A That's all the admission you see there.

Q This act of the council appropriating that money? A Yes, act of the Council, that's all the admission, her case was just laid over by the fault of the attorney, Gus Ivey.

Q Well did you subsequent to that time make any other application for admission for your wife? A Yes, sir.

Q When was that? A That was made, well I couldn't tell you positive what year it was.

Q Have you been exercising the right of suffrage as a Cherokee citizen since you came to the Nation in 1890? A Sir?

Q Have you been permitted to vote in the Cherokee Nation since you came to the Nation in 1890? A I voted in one election.

Q When was that? A That was in I believe in 1892.

Q For whom did you vote? A I voted for Robert Ross I think.

Q What office was he aspiring to at that time? A The Chief if I mistake not.

Q Is that the only time you have voted? A Sir?

Q Is that the only time you have voted? A That's the only time I have ever went to the election.

Q Did you ever make any attempt to vote at any other election? A No, sir, I never made any attempt to vote at any other.

Q Why? A Most all the time I have been in such bad health that I couldn't go to an election; I am a very unhealthy man. I lost one of my lungs this last winter; I can't walk any distance now, I suppose I can't breathe enough.

Q Male children over the age of eighteen are permitted to vote in the Nation are they not? A I understand that that was the rule, yes, sir.

Q Has this boy Luster of your's ever voted? A Never has went to an election as I know of; if he has I don't know anything about it.

Q Did you vote for the treaty the last time or against it the last time? A No, sir, I didn't vote for nor against it for I didn't go to the election.

Q This Commission has been in session at Tahlequah not less than twice since this work was begun in 1900, the work of enrolling Cherokees; why have you not appeared before the Commission prior to this time? A Well I couldn't answer that question; just didn't go, don't know as I could say.

Q Well do you mean to say that you didn't know that it was necessary that you should appear before the Commission in order to make application for enrollment? A Well I knew it was necessary in this way: Why just as quick as I could I found out that I should do it why I sent those papers down here to see what I could take on them; that was along prior to the beginning of the Cherokee roll, that was in 1897 when you sent those papers to the Commission? A Yes, sir.

Q Now in 1900 the Commission had camps all over the Cherokee Nation; your brother-in-law was here, all the Bracketts appeared; didn't you know that you had to appear? A Well I guess so; well of course I knew of them all coming.

Q Well now at that time you were in the neighborhood there where

these people lived that knew all about you; how does it happen that you didn't apply at that time and bring them up to testify as to your citizenship? A Well I got Ben Brackett's affidavit there, my wife's brother, and could get twenty if it was necessary.

The records of the Cherokee Nation examined and fail to disclose that either the applicant or his wife were ever admitted to citizenship in the Cherokee Nation by the tribal authorities.

The records of the Commission made in accordance with the Act of Congress approved June 10, 1896, examined and fail to disclose that either the applicant, his wife or child were admitted to citizenship in the Cherokee Nation by the Commission or the United States Court on appeal as provided for in said act.

The Cherokee Census Roll of 1896 examined and neither the applicant nor his wife or child are identified thereon.

Samuel Underwood applies for the enrollment of his wife, Martha Underwood, and their child, Luster Underwood, as citizens by blood of the Cherokee Nation. The applicant avers that he and his wife came to the Cherokee Nation in 1890, and that they have been living here continuously since that time. He also avers that he made several applications to the authorities of the Cherokee Nation for the admission of himself, wife and child to citizenship in the Cherokee Nation, but that no action was ever taken thereon. The records of the Commission fail to disclose that either of them were admitted to citizenship. It appears that the applicant, his wife and child received their pro-rata share of the Cherokee strip money by a special act of the Council approved November 27, 1894. The applicant also avers that he drew the money paid by the authorities of the Nation in 1890 or 1891, but he cannot be identified on said roll for the reason stated in the testimony. Neither he nor his wife nor his child are identified upon the Census Roll of 1896. Final judgment as to the application of Samuel Underwood for the enrollment of himself, wife and child as citizens by blood of the Cherokee Nation will be suspended and their names will be placed on a doubtful card, awaiting further consideration by the Commission.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger

Subscribed and sworn to before me this 24th day of June, 1902.

J. R. Renteria
Notary Public.

Statement of Applicant Taken Under Oath.

Cherokee District.
CHEROKEES BY BLOOD AND ADOPTION

Date

June 3, 1908

Name Samuel Anderson

District _____ Year _____ Page _____ No. _____

Citizen by blood yes 18 Mother's citizenship Sam Anderson - d - c -

Intermarried citizen no Sam d - w -

Married under what law _____ Date of marriage _____

License Martha Anderson Certificate (Drumheller, S.C.)
Wife's name

District _____ Year _____ Page _____ No. _____

Citizen by blood yes 116 Mother's citizenship Bert Brackell - d - w -

Intermarried citizen no Susie d - c -

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Samuel Anderson Dist. _____ Year _____ Page _____ No. _____ Age 20

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

An Act making an appropriation for the benefit of persons entitled in the payment of the strip funds and found to be entitled by the revising committee of Tahlequah District.

Be it enacted by the National Council; That the sum of Two Hundred and sixty five dollars and seventy cents be and the same is hereby appropriated for the benefit of the following named persons herein, out of any moneys having accrued from the sale of the lands west of the Arkansas River or any other money in the Treasurer belonging to the general fund not otherwise appropriated, and the Treasurer is hereby authorized to pay such persons on the warrant of the Principal Chief who is hereby directed to issue preferred warrants in favor of such persons to the amount of each, to-wit;

| | |
|-------------------------|--------|
| (1 to 18 inc. omitted) | |
| 19, Samsel Underwood | 265.70 |
| 20, Martha Underwood | 265.70 |
| 21, James Underwood | 265.70 |
| 22, Savannah Underwood | 265.70 |
| 23, Luster Underwood | 265.70 |
| (24 to 30 inc. omitted) | |

Be it further enacted; that the following named persons whose claims have been investigated and recommended by the revising committee of Sequoyah District, be and the same are hereby included in the list of persons named in the foregoing section, to-wit;

(5 names omitted).

Passed the Senate Nov. 26th. 1894.

J.C. satrr,

Clk. of Senate Protem

Concurred in by the Council Nov. 26th. 1894

J. H. Dick

Clk. of Council

Isaac Jacobs

President of Senate Protem

V. Gray

Speaker of Council Protem

Approved Nov. 27th. 1894.

C. J. Harris

Principal Chief

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, I. T. August 15, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Samuel Underwood et al, as Cherokees by blood, D-1343.



Commissioner.

Cherokee D-1343

Executive Department,
Cherokee Nation.

Oct. 5th, 1896.

I do hereby certify that under an act of the National Council, approved Nov. 26th, 1894, that Samuel Underwood, Martha Underwood, James Underwood, Savannah Underwood, and Luster Underwood, were allowed and received, each \$265.70 per capita, out of moneys accruing from the sale of lands west of the Arkansas River or other moneys in the treasury not otherwise appropriated.

William M. Gulager,

Asst. Executive Sec'y.

Department of the Interior,
Commission to the Five Civilized Tribes,
Mustagee, I.T., August 15, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Samuel Underwood et al, as a Cherokee by blood, D-1343.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---
In the matter of the application for the enrollment of
SAMUEL, MARTHA and LUSTER UNDERWOOD as citizens by blood of the
Cherokee Nation.
-- o o o --

D E C I S I O N.

The record in this case shows that on June 23, 1902, Samuel Underwood appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his wife, Martha, and his minor child, Luster Underwood, as citizens by blood of the Cherokee Nation.

The evidence in this case shows that Samuel Underwood was born in Georgia, that his wife, Martha, was born in Tennessee, and that their minor child, Luster, was born in Georgia. It is further shown that the applicants herein removed to the Cherokee Nation for the first time in 1890.

They are not identified on any of the tribal rolls of the Cherokee Nation, nor were they ever admitted to citizenship in said Nation by the tribal authorities, by the Commission to the Five Civilized Tribes, under the Act of June 10, 1896, (29 Stats., 321), or by the United States Court on appeal therefrom.

It appears, however, that an act of the National Council of the Cherokee Nation, approved November 27, 1894, appropriated two hundred and sixty-five dollars and seventy cents (\$265.70) to each of the applicants herein. Said act fails to recite that the said applicants had been recognized as Cherokee citizens and were entitled to said appropriation as such.

The evidence shows that all of the applicants herein resided continuously in the Cherokee Nation, since 1890, up to the date of this application.

It is the opinion of this Commission that the application for the enrollment of Samuel Underwood, Martha Underwood and Luster Underwood as citizens by blood of the Cherokee Nation should be denied, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is, therefore, so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this 001

COPY.

Cherokee D 1343.

Muskogee, Indian Territory, October 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Samuel Underwood for the enrollment of himself, his wife, Martha Underwood, and his minor child, Luster Underwood, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated October 30, 1902, rejecting said application.

Respectfully,

R. L. ...

Genl

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 15.

Cherokee D 1343.

Muskogee, Indian Territory, October 31, 1902.

Samuel Underwood,

Wauhatchie, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself, your wife, Martha Underwood, and your minor child, Luster Underwood, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated October 30, 1902, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

R. E. ...

Com.

Acting Chairman.

Register.

Enclosure H. No. 13.

Cherokee D 1343.

Muskogee, Indian Territory, October 31, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 30, 1902, rejecting the application of Samuel Underwood for the enrollment of himself, his wife, Martha Underwood, and his child, Luster Underwood, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

R.

Acting Chairman.

Register.

Enclosure H. No. 14.

(Copy)

Refer in reply to the following:
Land
66,030-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Dec. 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Samuel Underwood for the enrollment of himself his wife and child, as citizens of the Cherokee Nation.

On October 30, 1902, the commission rendered a decision in this case as follows:

"The record in this case shows that on June 23, 1902, Samuel Underwood appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself, his wife, Martha, and his minor child, Luster Underwood, as citizens by blood of the Cherokee Nation.

"The Evidence in this case shows that Samuel Underwood was born in Georgia, that his wife, Martha, was born in Tennessee, and that their minor child, Luster, was born in Georgia. It is further shown that the applicants herein removed to the Cherokee Nation for the first time in 1890.

"They are not identified on any of the tribal rolls of the Cherokee Nation, nor were they ever admitted to citizenship in said Nation by the tribal authorities, by the Commission to the Five Civilized Tribes, under the Act of June 10, 1896, (29 Stats., 321),

or by the United States Court on appeal therefrom.

"It appears, however, that an act of the National Council of the Cherokee Nation, approved November 27, 1894, appropriated two hundred and sixty-five dollars and seventy cents (\$265.70) to each of the applicants herein. Said act fails to recite that the said applicants had been recognized as Cherokee citizens and were entitled to said appropriation as such.

"The evidence shows that all of the applicants herein resided continuously in the Cherokee Nation, since 1890, up to the date of this application.

"It is the opinion of this Commission that the application for the enrollment of Samuel Underwood, Martha Underwood and Luster Underwood as citizens by blood of the Cherokee Nation should be denied, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered."

The office considers that said decision is in accord with the record evidence, and recommends that the same be approved and affirmed by the Department.

Very respectfully,

W. A. Jones,
Commissioner.

(W.C.B.)

P.

D.C. No. 1906.

J.P.

DEPARTMENT OF THE INTERIOR,

FHE

WASHINGTON.

I.T.D. 7987-1902.

January 17, 1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Samuel Underwood, for the enrollment of himself, his wife, Martha Underwood, and his minor child, Luster Underwood, as citizens of the Cherokee Nation (D 1343), received with your letter of October 31, 1902.

It appears that none of the claimants were born in the Indian Territory ; that they removed to the Cherokee Nation for the first time in 1890, and have resided there since; that they are not identified on any of the rolls of the Nation, nor have they been duly admitted to citizenship. It is shown, however, that by an act of the Cherokee Council approved November 27, 1894, \$265.70 was appropriated to each of the applicants.

Referring to section 21 of the act of June 28, 1898, (30 Stat., 495), you rejected the application October 30, 1902.

Reporting the matter December 20, 1902, the Commissioner of Indian Affairs recommended that your decision be concurred in.

The act of the National Council referred to, as you state, fails to recite the said applicants had been recognized as Cherokee

citizens and were entitled to such appropriation as such. As the act of May 31, 1900 (31 Stat., 221), provides that your Commission

"Shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such,"

and finding no reason to disturb your decision it is hereby affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee D-1343

Muskogee, Indian Territory, January 29, 1903.

Samuel Underwood,

Wauhatchie, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated October 30, 1902, rejecting your application for the enrollment of yourself, your wife, Martha, and your minor child, Luster Underwood, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 17, 1903.

Respectfully,

Acting Chairman.

COPY.

Cherokee D-1343

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated October 30, 1902, rejecting the application of Samuel Underwood for the enrollment of himself, his wife, Martha, and his minor child, Luster Underwood, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 17, 1903.

Respectfully,

Wm. Dwyer

Acting Chairman.

Cherokee R-802

Muskogee, Indian Territory, February 6, 1903.

Samuel Underwood,

Wauhatchie, Indian Territory.

Dear Sir:

The certificate showing an appropriation to you by the Cherokee National Council of \$265.70, heretofore filed with your application for enrollment as a citizen of the Cherokee Nation, is returned to you herewith, a copy having been made and filed with that application.

Respectfully,

Acting Chairman.

Encl-S-102

GRS

Cher R 803

Cher R 803

CERTIFIED COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., June 23, 1902.

In the matter of the application of Theodore P. Emmons for the enrollment of himself and four minor children, Dallas E., Vivian H., Clarence D., and Warren H. Emmons, as citizens of the Cherokee Nation, of Shawnee blood; and for the enrollment of his wife Clara M. Emmons, as a citizen by intermarriage of the Cherokee Nation.

Theodore P. Emmons, being duly sworn, and examined by the Commission, testified as follows:

- Q. What is your name? A Theodore Pascal Emmons.
Q. How old are you? A I am 33 years old.
Q. What is your postoffice address? A My postoffice address is Thayer, Missouri.
Q. You make application for enrollment as a Cherokee by blood?
A No sir.
Q. How? A I am a Shawnee by blood, and a Cherokee by adoption.
Q. How much Shawnee blood do you claim? A A little over one-quarter.
Q. Do you apply for anyone besides yourself? A Yes sir four of my boys.
Q. Your own children? A Yes sir.
Q. What is the name of the oldest one? A Dallas Edwin.
Q. How old is that child? A Ten years old.
Q. The next child? A Vivian Herbert.
Q. Is that a boy or a girl? A A boy.
Q. How old is he? A Eight years old.
Q. The next child? A Clarence Velvet.
Q. How old is he? A Five years old.
Q. The next child? A Warren Howard.
Q. How old is he? A I year old.
Q. Are these children all living? A Yes sir.
Q. Who was their mother? A Her maiden name was Clara M. Hopkins.
Q. Is she a citizen or a white woman? A She's a white woman.
Q. Have you ever resided in the Cherokee Nation? A Yes sir.
Q. When? A From 1873 to 1875; about two years.
Q. About two years in the seventies? A Yes sir.
Q. Have you ever been here since that time? A Yes sir.
Q. Have you ever lived here since that time? A No sir.
Q. Where have you been since that? A All the way from Kansas City to Memphis.
Q. Have you ever been recognized by the tribal authorities as a citizen? A Yes sir.
Q. When? A I came back here and enrolled on the Cherokee roll. It was a couple of years before this strip money was paid.
Q. Did you draw strip money? A Yes sir, and have drawn two payments since then, and have not voted in the United States.
Q. What is your profession? A I am a locomotive fireman.
Q. Who married you? A Erastus S. Curry.
Q. Where? A At Thayer, Missouri.
Q. How long have you been residing at Thayer, Missouri, or in that vicinity? A Since 1884.

Q What is the name of your father? A Dallas Emmons.
 Q Is he living or dead? A Living.
 Q Where does he reside? A At Memphis, Tennessee.
 Q When did he leave the Cherokee Nation? A He took me away about 1875.

Q Is he a Cherokee or a white man? A He is a white man.

Q What is the name of your mother? A Eudora A. Fish.

Q Is she living? A No sir.

Q Was she a Shawnee? A Yes sir.

Q When did she leave the Cherokee Nation.

A My father took her away from the Cherokee Nation on account of her health shortly after we come down here in 1873.

Q Did you all come down together? A Yes sir.

The 1880 roll, page 251, #884, Theodore P. Emmons, Delaware District, adopted Shawnee, 10 years of age.

The 1880 roll, page 251, #83, Dallas Emmons, adopted white, Delaware District.

Q When did your mother die? how long ago? A Mother died when I was seven years old, and I am 33 now.

Q Did you have any brothers or sisters? A I had one brother and one sister. My brother's name was Burt J., and my sister's name was Ephelia; we called her Nellie.

Q She was the youngest? A Yes sir.

The names of the applicants father, mother and brother Burton J., as well as the applicant himself, appear opposite numbers 317, 318, 320 and 319, respectively, in the register of the names of the persons members of the Shawnee Tribe of Indians who removed to or located in the Cherokee Nation, Indian Territory, prior to the 10th day of June, 1871, within the two years from the 9th day of June, 1869, in accordance with the agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians.

Q Did you draw any money for your children? A Yes sir. My two oldest ones, except this last February Shawnee payment; I drew for the three.

Q The payment made up here at Vinita? A Yes sir. The youngest one was not on the list yet.

Q Have you been residing at Thayer, Missouri, continuously since 1884? A No sir.

Q When was the last time you were in the Indian Territory prior to this visit? A I havn't been here before for pretty near three years.

Q How long did you remain here the last time you were here?

A I was here about six months. My wife was down here and I just came down once in awhile to see her. She was staying at Cyrus Conatzer's.

Q Do you own property in the Cherokee Nation? A No sir.

Q Where were these children born. A All born in Thayer, Mo.

Q Have you with you any evidence of your marriage to your wife?

A No sir.

Q Have you a marriage license at home? A Yes sir.

The Commission: It will be necessary that you furnish the Commission with that as soon as possible.

Q Were you ever married before you married your present wife?

A No sir.

Q Was she ever married before she married you? A No sir.

Q Do you make application for your wife's enrollment? A Yes sir.

- Q What is her name? A Clara M. Emmons.
 Q How old is your wife? A She is thirty.
 Q Is she living at Thayer, Missouri, with you? A Yes sir.
 Q She is a white woman? A Yes sir.
 Q What was her father's name? A Edwin J. Hopkins.
 Q Is he living? A Yes sir.
 Q What was the name of your wife's mother? A Annie B. Hopkins.
 Q Is she living? A Yes sir.
 Q Have your wife's parents ever made any claim to citizenship in the Cherokee Nation? A No sir.
 Q When were you married to your wife? A In 1889.
 Q Have you and she been living together continuously since then? A Yes sir.
 Q Where were you living four years ago on the 28th day of this month? Where were you living four years ago this June?
 A I had just got back to Thayer, Missouri.
 Q Where had you been prior to that? A Five years ago I was at Vinita.
 Q How long did you continue to live at Vinita?
 A It was something like six months. We were there intending to come down here and live, and I got me a job back on the road.
 Q What road were you working on? A Fort Scott and Memphis.
 Q What road are you on now? A I am not railroading now. I am fixing to come to the nation this fall.
 Q As a matter of fact, since 1875 you never have resided in the Indian Territory? A That's a fact.
 b Cherokee-Shawnee Pay Roll, Page 14, #313, Theodore Emmons - no district.
 Cherokee-Shawnee Pay Roll, page 14, #314, Dallas E. Emmons.
 Cherokee-Shawnee Pay Roll, page 14, #315, Vivian Emmons.

The Commission: Theodore P. Emmons applies for the enrollment of himself and his four minor children, Dallas E., Vivian H., Clarence V., and Warren H. Emmons as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Clara M. Emmons as a citizen by intermarriage of the Cherokee Nation. The applicant is duly identified upon the authenticated roll of 1880; on the Cherokee-Shawnee Pay Roll, and the Register of Shawnees. His two oldest children are identified upon the Cherokee-Shawnee Pay Roll. His two youngest children are not identified upon any of the tribal rolls of the Cherokee nation, and it will be necessary for the applicant to furnish the Commission with satisfactory proof of the births of said children. His wife, Clara M. Emmons, is not identified upon any of the tribal rolls. The applicant avers that they were married in 1889, and that they have been living together continuously since that time. It will be necessary that he furnish the commission with the original marriage license and certificate.

It appears from the testimony in this case that the applicant came to the Cherokee Nation with the Shawnees early in the seventies and that in about 1875 he removed with his parents from the Cherokee Nation, and has never made his home here since then. For the reason that the applicant is not a resident of the Cherokee Nation, his application for the enrollment of himself and children as citizens of the Cherokee Nation of Shawnee blood,

and for the enrollment of his wife Clara M. Emmons, as a citizen by intermarriage of the Cherokee Nation, final judgment will be suspended, and their names placed upon a doubtful card.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. Bagwell

Subscribed and sworn to before me this June 25, 1902.

(SEAL).

(Signed) P. G. Reuter,
Notary Public.

Louise Smith, being sworn, states that she made the above copy and that the foregoing is a true and complete copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this October 11, 1905.

Myron White
Notary Public.

CHEROKEES BY BLOOD AND ADOPTION.

33

Date June 23, 1902. 1900.

Name Theodore P. Emmons, Thayer, Mo.

District Delaware Year 1880 Page 251 No. 884

Citizen by blood Yes, Shaw 1/4 Mother's citizenship Dallas Emmons, 1-w

Intermarried citizen no Eudora A " d-Shaw

Married under what law Date of marriage

License Certificate

30

Wife's name Clara M. Emmons

District Year Page No.

Citizen by blood no Mother's citizenship Edwin J. Hopkins-1-w

Intermarried citizen yes Annie B. " 1-w

Married under what law Date of marriage 1889

License Certificate

Names of Children:

| | | | | | | |
|---|------------------|--------------------|------|---------|---------|--------|
| 3 | Dallas E. Emmons | Dist. Cher-Shaw PR | Year | Page 14 | No. 314 | Age 10 |
| 4 | Vivian H. " | Dist. " " " | Year | Page 14 | No. 315 | Age 8 |
| 5 | Clarence D. " | Dist. | Year | Page | No. | Age 5 |
| 6 | Warren H. " | Dist. | Year | Page | No. | Age 1 |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
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DOUBTFUL.

DEPARTMENT OF THE
COMMISSION TO THE FIVE C.

FILED
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REC.

One MW 83

Department of the Interior,
RECEIVED.
DEC 23 1902
Enc. No. 3 of No. 8003
Indian Territory Division

DEPARTMENT OF THE INTERIOR.
OCT 9 - 1903
Returned with No. 7184
Inclosure 4 IND. TER. DIV.

69335

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 16, 1902/

In the matter of the application of Theodore P. Emmons for the enrollment of himself and his four minor children, Dallas E., Vivian H., Clarence D. and Warren H. Emmons, as citizens by Shawnee blood, and for the enrollment of his wife, Clara M. Emmons, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

CLARA M. EMMONS, being first duly sworn, testified as follows:

By the Commission,

- Q What is your name? A Clara M. Emmons.
Q What is your age? A Thirty.
Q Your postoffice address? A Vinita, now.
Q Vinita? A Yes, sir.
Q Are you a white woman? A Yes, sir.
Q What is your husband's name? A Theodore B. Emmons.
Q He is a Shawnee by blood, isn't he? A Yes, sir.
Q How long has your husband been living in the Cherokee Nation, do you know? A No, I don't; he came here as a baby and I don't remember just how old he was.
Q Has he been living here ever since? A No, sir.
Q Has he been living in the Cherokee Nation since 1880; the last twenty-two years? A No, sir.
Q Where has he been? A Wherever his work called him, most of the time at Thayer, Missouri.
Q When were you married to him? A Thirteen years ago. '89, the 15th of this month.
Q Are you his first wife? A Yes, sir.
Q Is he your first husband? A Yes, sir.
Q When did he first go to Missouri? When he married? A He was in Missouri when we married.
Q How long had he been there? A I don't remember just how long he had been there.
Q What was he doing in Missouri? A On the Railroad, fireman, I believe.
Q How long did you live in Missouri after your marriage? A I could not tell you just how long we lived there, several years.
Q After you left Missouri, where did you go? A We went to Sedgwick, Arkansas, and went back to Thayer.
Q Went back to Arkansas to work on the Railroad? A Yes, sir.
Q And went back to Thayer? A Yes, sir.
Q How long have you lived there? A Until recently.
Q When did you move to Vinita? A About a month ago.
Q Where had you been just immediately prior to coming to Vinita? A Thayer.
Q So your home has been in Thayer since 1889 up to about a month ago? A Yes, sir. He never claimed citizenship there and did not vote there, but we lived there.
Q You say he did not vote there? A He refused to vote there. He never voted only once here.
Q You say he has voted once in the Cherokee Nation since 1880? A Yes, sir, for a chief.
Q Has your husband owned any property in the Cherokee Nation? A No, sir, he is negotiating now.

Q Did he go west? A No, his father took him west.
Q All your household goods were in Thayer, Missouri? A Yes, sir.
Q How many children have you? A Four.
Q Are they all living? A Yes, sir.
Q Living with you? A Yes, sir.
Q What is your third child's name, Clarence? A Yes.
Q How do you spell it? A C L A R E N C E.
Q Has he any middle name? A Yes, sir, Delbert.

By Mr. Starr,

Q What is your husband doing in Vinita now? A He is not doing anything now; he is looking for a location.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 10th day of November, 1902.

B. C. Jones
Notary Public.

(C O P Y)

Cher D-1344

MARRIAGE LICENSE.

STATE OF MISSOURI

COUNTY OF OREGON.

This License Authorizes any Judge, Justice of the Peace, Licensed or Ordained Preacher of the Gospel, or any person authorized under the laws of this State to

SOLEMNIZE MARRIAGE

between Theo. P. Emmons of Thayer, County of Oregon and State of Missouri, who is under the age of twenty one years; and Miss Clara M. Hopkins, of Thayer, County of Oregon and State of Missouri who is under the age of eighteen years. By written assent of D. Emmons to his son T. P. Emmons and E. J. and A. B. Hopkins as to their daughter Miss Clara M. Hopkins.

Witness my hand as Recorder with the seal of office hereto affixed in Alton, Mo. the 14th day of October, 1889.

(Signed) J. Felix Nooman

(S E A L)

Recorder.

State of Missouri

County of Oregon, THIS IS TO CERTIFY, that the undersigned, Congregational Minister, did at Thayer in said County, on the 15th day of October, A. D. 1889, unite in Marriage the above named persons.

(Signed) Erastus S. Curry.

MARRIAGE LICENSE .

SESSIONS ACTS, 1881.

Issued to Theo. P. Emmons and Miss Clara M. Hopkins, on the fourteenth day of October, 1889.

Filed for record on the 28th day of October, 1889, at 7 o'clock 20 minutes A. M. and recorded in marriage Record 3 at page 382.

(Signed) J. F. Nooman,

Recorder.

By (Signed) W. A. Nooman, Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T. July 12, 1902

I, the undersigned stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct

(C O P Y)

copy of the original offered in evidence in the matter of the application for enrollment of Theo. P. Emmons as a citizen of the Cherokee Nation.

(Signed) Frances S. Batefihr

INDORSED ON BACK

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D

JUL 14 1902.
Tams Bixby
Acting Chairman.

-----{O+}-----

I, the undersigned, hereby certify, that as stenographer to the Commissioner to the Five Civilized Tribes, I made the above and foregoing copy, and that the same is a full, true and correct copy of the original copy filed with this office.

Lucy W. Brown

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Theodore Pascal Emmons, et al., as citizens of the Cherokee Na-
tion of Shawnee blood.

-:-

D E C I S I O N .

The record herein shows that on June 23, 1902, Theodore Pascal Emmons appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor children, Dallas Edwin, Vivian Herbert, Clarence Delbert, and Warren Howard Emmons, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Clara M. Emmons, as a citizen by intermarriage of said Nation, but, as the status of intermarried citizens is not at this time fixed, the right of Clara M. Emmons to enrollment as a citizen by intermarriage of the Cherokee Nation, will not now be passed upon. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 16, 1902. The record further shows that on November 12, 1902, this Commission rendered its decision, denying applicants herein the right to enrollment as citizens of the Cherokee Nation, of Shawnee blood, and that the proceedings in this case were duly forwarded to the Department. Departmental letter of February 19, 1904 (I.T.D. 7184-03), rescinded said decision and remanded said case for readjudication.

The evidence herein shows that the principal applicant, Theodore Pascal Emmons, is of Shawnee blood, and is an adopted citizen of the Cherokee Nation; and that he is identified on the Register of Shawnees who removed to and located in the Cherokee Nation within two years of the ninth day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation, the Cherokee authenticated tribal roll of 1880, and the Cherokee-Shawnee pay roll of 1896.

The evidence further shows that since the year 1875 the said Theodore Pascal Emmons has resided at different points outside the limits of the Indian Territory, but it does not appear that he has become a citizen of any other government, and it is not considered that his rights to citizenship in the Cherokee Nation have been forfeited by said residence abroad.

The evidence further shows that the minor applicants, Dallas Edwin, Vivian Herbert, Clarence Delbert, and Warren Howard Emmons, are children of the said Theodore Pascal Emmons, were born since 1880, and have continuously resided with their said father since birth. The said Dallas Edwin and Vivian Herbert Emmons are identified on the Cherokee-Shawnee pay roll of 1896, and the said Clarence Delbert and Warren Howard Emmons, are identified by birth affidavits on file with this Commission.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph D. Yeargain, et al., (I.T.D. 2900-03), Theodore Pascal Emmons, Dallas Edwin Emmons, Vivian Herbert Emmons, Clarence Delbert Emmons and Warren Howard Emmons, should be enrolled as citizens of the Cherokee nation, of Shawnee blood, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed)

Tams Bixby
Chairman

(Signed)

T. B. Needles
Commissioner

(Signed)

C. R. Breckinridge
Commissioner

Muskogee, Indian Territory ,

this JUN 16 1905

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

| | | | |
|----------------------|-----|---------------------|-----|
| James Watson | 5 | Scott Harless | 294 |
| Benjamin W. Williams | 8 | Emma Phillips | 307 |
| Lena Severs | 19 | John Whisenhunt | 350 |
| Sarah E. McCay | 21 | Tilman Chance | 373 |
| Joseph Herberger | 23 | Thomas A. Sheffield | 384 |
| Laura Henson | 43 | Vester C. Martin | 388 |
| William W. Barnes | 48 | William Grigsby | 417 |
| Georgia Wood | 54 | William J. Largen | 508 |
| Walter A. Edens | 62 | Joseph P. Willis | 584 |
| Adda B. Ward | 69 | James T. Miller | 598 |
| Samuel G. Victor | 73 | George A. Waters | 632 |
| Sarah M. Thomas | 109 | Jenette Messer | 666 |
| William B. Watson | 165 | Joseph A. Patton | 679 |
| William H. Ford | 173 | Benjamin G. Holland | 763 |
| Thomas N. Wilson | 185 | William Gordon | 798 |
| Ulsie Ann Smith | 206 | Maggie Patterson | 804 |
| Susan M. Perry | 208 | Martha M. Bruner | 832 |
| Gertrude Palone | 224 | Emma Morris | 842 |
| Hugh Willis | 229 | Susie Fivekiller | 857 |
| Mary A. Wilkie | 248 | John F. Carden | 861 |
| John W. Thurman | 253 | William H. Burrow | 967 |

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|----------------------|------|---------------------|------|
| Mary Pettit | 977 | Millie Morton | 1554 |
| Bettie Mitchell | 985 | Andrew Walters | 1573 |
| John J. Harrison | 993 | John H. Holder | 1610 |
| Jasper N. Bateman | 1029 | Mary M. Burr | 1612 |
| Susan Ballard | 1065 | Thomas E. Bonham | 1644 |
| Lucy Eva Simmons | 1073 | Florence Headrick | 1663 |
| Ellen Thornton | 1089 | Daisy B. Brewer | 1709 |
| Sarah E. Hair | 1090 | Annie Cordrey | 1717 |
| Norman S. Drake | 1092 | Adam Eckert | 1722 |
| Susan Hogg | 1094 | Isaac Timmons | 1726 |
| David L. Scott | 1099 | Gent Gibson | 1727 |
| James C. Taylor | 1111 | Amos Anderson | 1731 |
| Roxie Shepard | 1128 | William J. Mounts | 1734 |
| Robert G. Elgin | 1136 | James D. Alexander | 1745 |
| William Hall | 1137 | Willis E. Miles | 1769 |
| Mary Ella Lattimore | 1141 | Lora Adair | 1781 |
| Maggie J. Keys | 1149 | John Yarborough | 1796 |
| Joseph M. Correll | 1177 | Lillie M. Dassler | 1802 |
| Jane Ratley | 1225 | Bryant C. Redington | 1804 |
| George E. Norton | 1231 | Malisa A. Maxwell | 1808 |
| Mahala D. Thompson | 1247 | Richard Dukes | 1811 |
| Charles M. Trammel | 1264 | Fannie Pettit | 1816 |
| Flora Carlile | 1265 | Genevia Pool | 1817 |
| William H. Noprid | 1275 | Mollie Crossland | 1822 |
| Olivia Bengé | 1276 | Lizzie Bengé | 1828 |
| Dollie Wilson | 1278 | John H. Welty | 1847 |
| Moses Bell | 1279 | Edward P. White | 1884 |
| Sarah Fleetwood | 1290 | Lauren P. Green | 1887 |
| Rosa E. Fargo | 1299 | Charles Rosser | 1898 |
| William M. Oliver | 1333 | Fay Adair | 1913 |
| Andrew J. Couch | 1340 | Henrietta Irving | 1920 |
| Lina Hyles | 1347 | Bird Trippard | 1925 |
| Mary M. Miller | 1350 | John C. Carlile | 1937 |
| Mary E. Taylor | 1368 | John W. Gilstrap | 1954 |
| Polly Ann Bengé | 1369 | Sarah Young | 2018 |
| Margaret Moton | 1385 | Nancy A. Coleman | 2049 |
| Minnie McKinney | 1390 | James N. Whisenhunt | 2118 |
| Nettie Seabolt | 1418 | Hiram Stephens | 2157 |
| Lawrence G. Faulkner | 1433 | Asa L. Guinn | 2159 |
| Sarah A. Holt | 1449 | Rebecca J. Flying | 2172 |
| Jennette Polecat | 1492 | Thomas J. Measles | 2192 |
| Ellen Seabolt | 1508 | Julia Coody | 2215 |
| Charles W. Nettles | 1509 | Sarah Crutchfield | 2224 |
| Lena Sittingdown | 1511 | Henry E. Lee | 2251 |
| Tim Creeden | 1513 | Sarah Gritts | 2256 |
| Odie Pidcock | 1517 | John A. Madden | 2261 |
| Silas A. Saterfield | 1529 | Henry C. Pennel | 2271 |
| Laura J. Jeremiah | 1530 | Matilda S. Cleland | 2302 |
| Etta Hicks | 1540 | Dona A. Frazier | 2312 |
| Mary A. B. McKinney | 1550 | Laura B. Cordrey | 2320 |

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|-----------------------|------|------------------------|------|
| Lafayette D. Kindred | 2328 | William A. J. Trotter | 3257 |
| Pearl V. Sisson | 2339 | Albert P. Goforth | 3298 |
| Nancy J. Sevier | 2380 | Anna B. Martin | 3307 |
| Mollie Hair | 2385 | William Brown | 3344 |
| Dora Sayers | 2474 | Jennie B. Bluejacket | 3345 |
| William T. Jones | 2501 | William Little | 3377 |
| Sarah L. Martin | 2502 | Julia M. A. Russell | 3386 |
| William J. Shoemaker | 2506 | Andrew J. Smith | 3393 |
| Maud Baldridge | 2511 | William N. Blakemore | 3396 |
| James L. Townsend | 2513 | Lizzie Denton | 3417 |
| George L. Morgan | 2568 | Belle Hudson | 3435 |
| Andrew A. Brown | 2575 | Thomas S. Heady | 3437 |
| Louis K. Fair | 2623 | William M. Roseborough | 3444 |
| James L. Mitchell | 2644 | Madison G. Hawkins | 3467 |
| Martha E. McNair | 2659 | Japhat F. Ellis | 3491 |
| Millard F. Eggleston | 2668 | Emma McAffrey | 3543 |
| Elisha M. Gray | 2686 | William T. Huitt | 3570 |
| Jessie M. Ballard | 2694 | Myra F. Chouteau | 3580 |
| Annie Mayes | 2798 | Phillip Donohoo | 3581 |
| Belle Sixkiller | 2809 | Fred L. Kelley | 3593 |
| James P. Riley | 2825 | Annie Herod | 3594 |
| William Broaddus | 2854 | Maggie V. Fields | 3615 |
| William A. Martin | 2865 | Lou Payne | 3616 |
| Joseph Q. Buchanan | 2888 | Frederick W. Strout | 3692 |
| Marcellus L. Baker | 2905 | Andrew L. McCamish | 3713 |
| Etta M. Hill | 2915 | Sarah Dirthrower | 3731 |
| John R. Smith | 2922 | William P. Coble | 3758 |
| Ira W. Wallen | 2926 | Robert L. Madison | 3761 |
| John B. Laurence | 2959 | Mariah McDowell | 3795 |
| Lula O. Hitchcock | 2961 | Elizabeth R. Thornton | 3811 |
| Bell L. Muskrat | 2975 | Donithan A. Wilson | 3841 |
| Eliza O'Field | 2977 | Charles F. Covey | 3868 |
| Margaret Suagee | 2993 | Tamsey M. Williams | 3886 |
| Winfield S. Nance | 3007 | Mary J. Wolfe | 3889 |
| Benjamin F. Kelley | 3010 | Lathan Lumbard | 3891 |
| Mollie Daugherty | 3039 | Micajah P. Haynes | 3897 |
| Charles H. Leatherman | 3043 | Annie L. Wingfield | 3903 |
| Alice A. Edwards | 3100 | Mary Fields | 3907 |
| Dorinda Adair | 3106 | William W. Dudley | 3944 |
| William R. Gray | 3118 | Minnie M. McLaughlin | 3950 |
| Dora B. Caulk | 3143 | Henry B. Lindsey | 3978 |
| Jesse M. Gallman | 3161 | Wilbert H. Parkison | 3999 |
| Martha E. Garrett | 3162 | Seth R. Hall | 4011 |
| Artie E. Large | 3164 | Wiley Hanna | 4016 |
| Andrew A. Kelley | 3191 | Martha M. Woods | 4093 |
| Anna B. Ryne | 3193 | Lizzie Gray | 4117 |
| Eliza Henderson | 3198 | Nancy C. Carey | 4131 |
| David E. Jenkins | 3212 | Annie E. Kenney | 4165 |
| Lizzie Falling | 3233 | William H. Ward | 4169 |
| Robert L. Payne | 3252 | Nannie Brewer | 4189 |

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|-----------------------|------|------------------------|------|
| Nancy J. Kinney | 4225 | Roxie J. Ketchum | 4623 |
| Sydney E. Bell | 4232 | Lizzie Love | 4626 |
| Isaac H. Jordan | 4235 | Robert K. Wann | 4632 |
| Charles Parks | 4244 | Frederick Metzner | 4633 |
| Dora Frenchman | 4262 | John C. Bratcher | 4634 |
| James R. Fugate | 4275 | Pigrow L. Jones | 4641 |
| Maud Adams | 4277 | Ada Bertholf | 4642 |
| Elizabeth Black | 4281 | Alice Robbins | 4644 |
| Anna Thornton | 4291 | Jane Dougherty | 4649 |
| Robert T. Morrison | 4294 | Samuel Francis | 4650 |
| Perley Israel | 4295 | Clemon C. Peck | 4652 |
| William A. Long | 4304 | Mont C. Frazier | 4653 |
| Mollie Swannock | 4319 | Frank J. Mayberry | 4656 |
| Frances Guess | 4324 | Charles W. Moore | 4660 |
| Allen H. Gibson | 4327 | Jefferson D. Edmondson | 4661 |
| John McFall Jr. | 4343 | Alonzo H. Boone | 4662 |
| Albert W. Fitzsimmons | 4360 | Thomas C. Mock | 4668 |
| George S. Ford | 4386 | Sallie Allison | 4669 |
| Quinn Carr | 4387 | Elizabeth E. Burgess | 4671 |
| William A. Powell | 4390 | LaFayette Breeden | 4673 |
| Austin Hasley | 4400 | James M. Boling | 4676 |
| Anna Bible | 4414 | Francis A. Neilson | 4681 |
| Elizabeth Riley | 4428 | John F. Smith | 4689 |
| John P. Sudderth | 4449 | Rufus S. Steward | 4691 |
| Anderson Keen | 4450 | John I. Haddock | 4694 |
| Ida M. Adams | 4451 | Maggie O. Walkley | 4695 |
| Martha J. Randall | 4457 | George W. Talbert | 4698 |
| Mollie Conner | 4477 | Mary Miller | 4700 |
| Jane McGhee | 4491 | Henry C. White | 4707 |
| Jennie Riley | 4525 | Mattie E. Hill | 4760 |
| Hannah Randall | 4528 | Alice A. Bible | 4772 |
| Charles W. Childers | 4542 | Katie Coker | 4785 |
| Nannie B. Riley | 4543 | John Creek | 4801 |
| John W. McDaniel | 4544 | Ruby R. Bean | 4804 |
| Minnie Armstrong | 4548 | William J. Dodson | 4836 |
| Ada Chouteau | 4549 | Blackburn Reed | 4882 |
| Mary Thompson | 4571 | Viola Lowther | 4891 |
| Ota Armstrong | 4593 | William B. Ritchson | 4910 |
| Mary Spencer | 4594 | Henry D. McDonald | 4950 |
| Clarkson F. Woody | 4603 | Della McDaniel | 4956 |
| James M. McConnell | 4604 | Dorothy Rattlinggourd | 4991 |
| Annie E. Coker | 4605 | Ida McCay | 5093 |
| Jennie Long | 4606 | Henry M. Lyon | 5100 |
| Julia Gilstrap | 4607 | Alice J. Wofford | 5101 |
| Laura E. Smith | 4608 | Nancy Morris | 5137 |
| Annie Nicholas | 4609 | Ella Sullivan | 5140 |
| Minnie R. Taylor | 4611 | Winfield Williams | 5144 |
| Mary E. Rogers | 4614 | Bessie M. Smith | 5145 |
| Emma Downing | 4615 | May Humphrey | 5207 |
| William Steere | 4619 | Donnie Burgess | 5235 |

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|----------------------|------|----------------------|------|
| Nora B. Burgess | 5236 | William A. Polson | 5613 |
| John E. Etter | 5239 | Paulina P. Pitcher | 5614 |
| Harriette Rogers | 5240 | Charley Headrick | 5615 |
| Amanda Foreman | 5244 | William N. Stinson | 5616 |
| William H. Wells | 5261 | Lenora A. Henry | 5621 |
| John T. Gaylor | 5266 | Effie M. Adams | 5622 |
| Annie Sweeten | 5269 | John H. Shimp | 5624 |
| Rosalee Hendricks | 5278 | Thomas B. Dickson | 5625 |
| Emma Chambers | 5328 | Minnie Henry | 5628 |
| James H. Thomas | 5329 | Thomas J. Simpson | 5629 |
| Melville B. Baird | 5332 | Cap L. Lane | 5630 |
| James R. Goodall | 5356 | Reuben E. DeLozier | 5631 |
| Charles Horton | 5390 | John Heape | 5640 |
| James W. Goddard | 5417 | Perry G. Brock | 5645 |
| Dora Cox | 5425 | Mary J. Newcomb | 5650 |
| Nannie G. Alberty | 5438 | George W. Seigel | 5660 |
| Sallie Ward | 5455 | Martha A. Parks | 5666 |
| William H. Sutherlin | 5484 | Zelda C. Mills | 5674 |
| Lizzie Hall | 5487 | Lizzie Rogers | 5675 |
| Cyrus B. Essex | 5489 | Emma Pigeon | 5676 |
| Eda Taylor | 5493 | Nellie Bluejacket | 5677 |
| Laura Taylor | 5494 | Lucy Bacon | 5679 |
| Electer D. Miller | 5496 | Thomas B. Wood | 5681 |
| Emberson M. Arnold | 5498 | Asa W. Simerson | 5683 |
| Stella Henry | 5499 | William J. Kuhn | 5686 |
| William E. Oneal | 5506 | Elsie Couch | 5688 |
| John M. Sharp | 5509 | William H. Robinson | 5692 |
| John L. Davis | 5514 | Rachel Washington | 5693 |
| Sarah E. Downing | 5518 | Isaiah B. Blackwood | 5700 |
| Samantha C. Glass | 5524 | John R. Johnson | 5701 |
| Harry Jones | 5525 | Dennis W. Smith | 5702 |
| Aggie Paris | 5532 | William H. Chesnut | 5705 |
| James W. Hallford | 5535 | William H. Durham | 5707 |
| Phoebe Coker | 5537 | Albert B. Buckmaster | 5710 |
| Anthony K. Douglas | 5538 | Maud Crutchfield | 5730 |
| Joseph H. Johnson | 5541 | Joseph S. Layne | 5731 |
| Harvey O. Riggs | 5547 | Lena Bell | 5737 |
| Alice Glass | 5553 | Juan N. Corn | 5748 |
| Addison Reeves | 5566 | Robert N. Crafton | 5750 |
| Alice Coats | 5572 | Benjamin F. Coffee | 5756 |
| Julia Kidd | 5575 | Frank McSpadden | 5760 |
| William R. Greer | 5576 | Charles D. Pendleton | 5775 |
| Rosa M. Sixkiller | 5581 | Harden H. Green | 5776 |
| Nancy Inlow | 5587 | Emma J. Ward | 5778 |
| Daisey H. Owen | 5599 | Robert C. Fuller | 5781 |
| Annie R. C. Owen | 5600 | Henry F. Extine | 5796 |
| Jesse McKnight | 5602 | Ida Wylly | 5802 |
| Cicero J. Strange | 5610 | Richard L. Fite | 5815 |
| Henry Westenhaver | 5611 | Edward Lutz | 5816 |
| Emma H. Roach | 5612 | John F. Woodworth | 5829 |

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|-----------------------|------|-----------------------|------|
| Horace H. Huddleston | 5832 | George C. Duffield | 6031 |
| William R. Sartain | 5837 | Amelia Reese | 6033 |
| Joseph A. Lawrence | 5843 | Alexander West | 6036 |
| William H. Hinton | 5846 | John Tootle | 6037 |
| Joseph Lehr | 5851 | Florence G. Langley | 6038 |
| Euin M. Young | 5852 | John T. Ham | 6042 |
| Mary C. Barnes | 5853 | Mary L. Jordan | 6048 |
| Matilda Thompson | 5861 | John W. Bradshaw | 6076 |
| William W. Young | 5872 | James L. Dean | 6079 |
| Earley F. Ellis | 5874 | Amanda J. Thompson | 6082 |
| Rosa B. Alberty | 5877 | Malissa Hubbard | 6089 |
| Sarah Cannon | 5879 | Jane Benge | 6111 |
| Mamie Beck | 5887 | John D. Ryals | 6113 |
| Jack H. Merchant | 5888 | John C. DeLozier | 6117 |
| John D. Merchant | 5889 | Jessie Willis | 6118 |
| Sarah E. Ghornley | 5894 | Mary A. Clark | 6124 |
| Jerry Young | 5906 | Mary J. Tipton | 6126 |
| James H. Brickey | 5916 | Leander Newton | 6136 |
| Mary Hicks | 5919 | William A. Qualls | 6138 |
| George W. Weems | 5922 | Henderson B. Thomas | 6144 |
| Albert Crain | 5923 | Hugh T. Watkins | 6163 |
| James M. Jones | 5932 | Nancy Keys | 6172 |
| Alfred W. Shelly | 5935 | Berry Hutchins | 6186 |
| John M. Stratton | 5936 | Eli Parker | 6189 |
| Waddie Hudson | 5937 | Sarah E. Shaw | 6194 |
| Robert C. Johnson | 5939 | Julia Keys | 6211 |
| Mary T. Thompson | 5941 | Boon J. Grey | 6214 |
| Edith A. Parris | 5943 | John Grubb | 6216 |
| Addie Hubbard | 5949 | William M. Costephens | 6230 |
| John A. Lowry | 5962 | Jane Bean | 6232 |
| John R. W. Brantley | 5963 | Lillie I. Taylor | 6236 |
| James T. Carroll | 5964 | Abbie B. Adair | 6239 |
| Christopher F. Jordan | 5965 | Mack C. Watkins | 6246 |
| Minerva E. Stover | 5966 | Robert W. Murray | 6261 |
| John W. Twilley | 5967 | John G. Petty | 6269 |
| Joseph W. Mounce | 5970 | Lucinda Poorboy | 6279 |
| Cornelius P. Potter | 5971 | Sarah Mayes | 6286 |
| Amanda C. Thompson | 5972 | Henry W. Pyeatt | 6300 |
| John M. Rusk | 5976 | Isaac A. Wilson | 6308 |
| Harrison L. Hughes | 5978 | John T. Hall | 6310 |
| Silas B. Dildine | 5983 | Edward L. King | 6315 |
| Lewis M. Payne | 5985 | Katie Still | 6325 |
| Nancy Beamer | 5988 | Emmer Carlile | 6338 |
| Sarah F. Selvidge | 6002 | Bird Webster | 6347 |
| Posy F. Buckner | 6005 | Fannie Morris | 6353 |
| John A. Moreland | 6010 | Leonard Lee | 6357 |
| Alice Welch | 6015 | James R. Miller | 6362 |
| Mary C. Thompson | 6022 | James Brackett | 6370 |
| Ida Beck | 6029 | Nora Allen | 6371 |
| William R. Tittle | 6030 | John T. Washington | 6373 |

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|------------------------|------|---------------------|------|
| James J. Snider | 6375 | James L. Lee | 6717 |
| William H. Winget | 6376 | Rosa Phillips | 6723 |
| Ida R. Wilkerson | 6383 | Kate Brown | 6735 |
| George A. McBride | 6385 | Laura B. Barnett | 6743 |
| Matilda Cookson | 6387 | Elizabeth Sanders | 6745 |
| William A. Fisk | 6392 | William T. Neff | 6747 |
| William O. Ames | 6394 | William R. Scott | 6751 |
| Thomas Wilkerson | 6396 | Laura Fish | 6770 |
| Alice C. Springston | 6407 | Maggie Ketcher | 6779 |
| Fanny N. Witt | 6413 | Dora A. McDonald | 6783 |
| Lillie M. Adair | 6424 | Rosie B. Willis | 6785 |
| Mark F. Matheson | 6428 | Daniel Hubbard | 6787 |
| Ida L. Wilson | 6431 | Mary R. Tadpole | 6801 |
| George E. Marrs | 6441 | Magnus A. McSpadden | 6811 |
| Ulysses S. Reeves | 6443 | Sarah F. Pathkiller | 6824 |
| Daniel A. Smith | 6447 | Clara Twist | 6845 |
| Henry J. Dawson | 6450 | Mattie M. Welch | 6846 |
| Sarah Adair | 6452 | Cora Griffin | 6850 |
| Ida F. Wilson | 6455 | John S. Hyatt | 6853 |
| Mary E. Taylor | 6459 | Jefferson K. Tyner | 6855 |
| Catherine Henson | 6468 | Flora R. Miller | 6859 |
| Charles C. Fitzsimmons | 6471 | Lizzie Craig | 6872 |
| Mary E. Campbell | 6476 | Jacob C. Johnson | 6876 |
| Columbus N. Long | 6478 | George W. Ware | 6897 |
| Mary Wilkerson | 6480 | James B. Deatherage | 6901 |
| Myrtle Ward | 6484 | Lucinda F. Hartness | 6943 |
| Belle Manus | 6499 | Frances E. Teece | 6961 |
| Martha E. McLain | 6508 | James M. Burt | 6965 |
| Mary A. Brown | 6517 | Rady Tipton | 6975 |
| Marion M. Ballew | 6530 | Laura Hendricks | 6976 |
| Mellie Mayfield | 6540 | Laura V. Smith | 6979 |
| Sarah Blevins | 6541 | Lorenzo C. Darnell | 6988 |
| Frank Powell | 6542 | Robert M. Mitchell | 7004 |
| Georgia Jackson | 6546 | William Henry Reeve | 7005 |
| Leonard S. Simpson | 6549 | James Pyle | 7009 |
| Almira Ussrey | 6560 | Willie Hilderbrand | 7015 |
| James McInerney | 6561 | Alice M. Roberson | 7031 |
| Fannie Carlile | 6578 | Charles Morris | 7043 |
| Sadie A. Mayfield | 6580 | Minerva J. Trent | 7051 |
| Silas A. Bryan | 6581 | John H. Keith | 7078 |
| William S. Martin | 6585 | Katie E. Ratley | 7080 |
| Emma J. Thompson | 6589 | Etta Patrick | 7081 |
| Lydia McDaniel | 6593 | Nannie Martin | 7090 |
| David W. Lamb | 6595 | Rosa B. Harris | 7094 |
| Gus R. Hart | 6603 | Samuel Brown | 7100 |
| Poca Phillips | 6632 | William H. Turner | 7101 |
| Lois E. Daniel | 6678 | Florence Mayes | 7104 |
| William W. Turner | 6689 | Maggie McCoy | 7112 |
| Lillie B. Blackstone | 6714 | Mary Belle Cordry | 7113 |
| Mary Lillard | 6715 | Benjamin Haner | 7119 |

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|-----------------------|------|----------------------|------|
| James Maher | 7128 | Robert B. Collins | 7556 |
| Terry A. Parkinson | 7146 | Nancy I. Brown | 7579 |
| Cora L. Hanks | 7147 | Mary B. Walkingstick | 7642 |
| Otto J. Zufall | 7149 | Robert T. Kelleam | 7653 |
| Rufus M. Norman | 7155 | Mollie Morton | 7797 |
| Mary F. Foreman | 7158 | Mattie Girty | 8006 |
| Alma West | 7159 | Mack Alfred | 8015 |
| James M. Connally | 7161 | Ida Harmon | 8016 |
| Francis M. Crowell | 7163 | Ida McCoy | 8417 |
| Fannie E. McClure | 7171 | Rosie Foreman | 8903 |
| Benjamin B. Graham | 7176 | Annie Jackson | 9034 |
| Ada Phariss | 7180 | Margaret T. Langley | 9092 |
| William L. Whisenhunt | 7184 | Ida M. Davis | 9266 |
| Frances B. Perry | 7191 | Nora Crapo | 9289 |
| Philip Shultz | 7210 | Margaret Harmon | 9378 |
| Hester A. Miller | 7212 | Mary B. Langley | 9438 |
| Minnie B. Edmonds | 7213 | Ella Gravitt | 9439 |
| Eliza Jordan | 7217 | William M. Wilson | 9444 |
| William T. Ross | 7218 | David O. Scott | 9446 |
| Thomas M. Price | 7225 | Harriett Forbes | 9447 |
| James G. Wilson | 7231 | John Carver | 9449 |
| Frank Rhomar | 7263 | Thomas J. Davis | 9451 |
| John W. Thompson | 7267 | Clara M. Boudinot | 9453 |
| Melissa Booth | 7271 | Mary E. Keys | 9454 |
| Solon L. Jackson | 7273 | John G. Ainsworth | 9456 |
| Henry W. Coughran | 7282 | Mary J. Christy | 9460 |
| Sarah Ross | 7291 | Malinda Seabolt | 9462 |
| Mary S. Smith | 7322 | Mary Cumpton | 9464 |
| John A. Martin | 7323 | Mollie P. Mulkey | 9465 |
| Myrtle Robinson | 7330 | Andrew Brimmer | 9467 |
| Allen L. Buckner | 7331 | James F. Flippin | 9471 |
| James L. Goad | 7350 | William Bird | 9473 |
| Elijah Johnson | 7351 | Mollie C. Forbes | 9476 |
| Mary E. Kimbrough | 7360 | William H. Thomason | 9478 |
| Jennie Burr | 7367 | Mollie Devine | 9481 |
| Kiasay Sapsucker | 7378 | Mary P. Guthrie | 9482 |
| Sarah J. Johnson | 7394 | Detlev N. Leerskov | 9484 |
| William I. Branan | 7409 | Nannie Cowart | 9485 |
| Wyatte T. Brady | 7412 | Leona Catcher | 9489 |
| Lena O. Holderman | 7413 | Alexander B. Clapp | 9502 |
| Mary F. Hummingbird | 7420 | Tennie Sanders | 9503 |
| Bertha A. Allen | 7425 | Virgil A. Wiltshire | 9505 |
| Robert J. Tyner | 7426 | Joshua K. Carr | 9510 |
| Fannie B. Martin | 7434 | Herbert Kneeland | 9518 |
| Myrtle Wolfe | 7435 | Hugh E. Hope | 9519 |
| Mary Blevins | 7479 | Thomas J. Ritter | 9522 |
| Sarah Ketcher | 7488 | Martha Baldrige | 9529 |
| Charles D. England | 7512 | James R. Poindexter | 9535 |
| May Cochran | 7544 | Maud Foreman | 9539 |
| Rebecca Oglesby | 7549 | Belle Bryant | 9542 |

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|------------------------|------|--------------------------|-------|
| Joseph P. Smith | 9550 | William G. Brown | 9879 |
| George E. Watkins | 9552 | John B. Delay | 9881 |
| Florence Henry | 9553 | Pairlee Thompson | 9882 |
| Jesse H. Johnson | 9560 | Guenther W. Werther | 9883 |
| Lydia B. Barger | 9561 | Margaret Crittenden | 9884 |
| Mary Jane Thomas | 9562 | Moses L. Morris | 9889 |
| James F. Petty | 9563 | Sarah L. Rogers | 9891 |
| Laura McCrary | 9566 | Stephen Duncan | 9892 |
| Joel D. Smith | 9568 | Gideon D. Sleeper | 9895 |
| William T. Cave | 9572 | William A. Maddin | 9896 |
| William Bugher | 9577 | John H. Horton | 9904 |
| James M. Smith | 9582 | Howe L. Rogers | 9905 |
| John E. Nazworthy | 9583 | William Rush | 9912 |
| Beverly L. Lafon | 9587 | George W. Edens | 9916 |
| Robert L. Gentry | 9590 | William H. Hall | 9920 |
| John C. Barker | 9591 | Edith B. Pheasant | 9935 |
| John P. Greenwood | 9593 | Carrie A. Collins | 9936 |
| Henry Hayes | 9596 | Lucinda Spriggs | 9937 |
| Ella Cornwell | 9598 | Ella F. Hail | 9939 |
| Asa A. Hedrick | 9599 | John W. Harris | 9949 |
| William C. M. Robinson | 9600 | Hannah Raper | 9942 |
| Woodrow Hadley | 9612 | John J. Coughran | 9945 |
| William T. Gregory | 9613 | Youra F. Waybourn | 9946 |
| Charles M. Keys | 9616 | Louisa J. Taylor | 9947 |
| Bate O. Reed | 9618 | William M. Evans | 9948 |
| Joseph E. Feland | 9623 | William F. Pierce | 9940 |
| Florence C. Smith | 9625 | May F. Chambers | 9950 |
| Charles M. Cox | 9630 | Albert Stevenson | 9954 |
| Otis S. Skidmore | 9634 | Henry Kiefer | 9955 |
| William H. Hundley | 9635 | Sarah Bean | 9956 |
| Thomas A. McDonald | 9636 | Zeno M. Cox | 9964 |
| Annie Sanders | 9638 | Jerusha E. Blair | 9965 |
| Mack H. Martin | 9640 | Elias Kyle | 9991 |
| Mary Ward | 9653 | Ida Cushman | 9992 |
| George Givens | 9658 | James W. Fleming | 9994 |
| Pheney Poorboy | 9660 | Samuel Holmes | 9995 |
| Charley Kiper | 9671 | Walter H. Talley | 9997 |
| Andrew J. Snider | 9672 | Hannah J. Miller | 9998 |
| William T. Barton | 9684 | Clara V. Ward | 10002 |
| Daniel Crail | 9770 | Stephen W. Pittsenberger | 10005 |
| Mary M. Motte | 9771 | Mary E. Palmour | 10008 |
| Lecia E. Herrin | 9854 | William T. Partin | 10011 |
| Gailen E. Carriek | 9855 | Nellie Fields | 10013 |
| Rosa B. Barger | 9857 | Sarah A. Dawes | 10015 |
| Rachel Foreman | 9858 | Willard E. Hutchins | 10016 |
| Serepta C. Willis | 9861 | Jesse Talbert | 10020 |
| Virgie Seabolt | 9864 | Julia E. Setser | 10021 |
| Annie Cannon | 9867 | Amanda E. Howell | 10022 |
| Isabella McCoy | 9874 | Mamie J. Rogers | 10023 |
| Robert E. Dry | 9875 | Nannie Rogers | 10024 |

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|-----------------------|-------|-----------------------|-------|
| James B. Bradshaw | 10025 | Millie A. Carnes | 10113 |
| Ida L. White | 10026 | Lucy E. Robards | 10114 |
| Addie B. Miller | 10027 | Edward H. Fitzgerald | 10115 |
| William R. Condry | 10028 | John T. Pickard | 10117 |
| James D. Canary | 10029 | Charles Rains | 10118 |
| John Kelley | 10031 | Nancy Mayfield | 10123 |
| Kate Craig | 10033 | Anna B. Tittle | 10124 |
| John A. Butts | 10034 | Richard A. Clark | 10126 |
| John J. Dameron | 10035 | Emma B. Martin | 10128 |
| William Warner | 10036 | Walter L. Bates | 10129 |
| George A. Allen | 10037 | Nellie Brewer | 10130 |
| Watie Shetley | 10038 | William Heffernan | 10131 |
| John E. Carter | 10039 | Levi Ackley | 10132 |
| John M. Boyd | 10043 | Bessie Davis | 10133 |
| William Fister | 10047 | Eva Brackett | 10135 |
| Darius B. Troth | 10049 | Caleba Carnes | 10136 |
| Harry A. Kelley | 10050 | Jacksie M. Waybourn | 10138 |
| Mary E. Purcell | 10051 | Minnie Shutt | 10139 |
| Myron L. Bronson | 10052 | Charles L. McClure | 10140 |
| George W. Taylor | 10053 | William W. Russell | 10141 |
| Josie Lowther | 10054 | Delia Jenkins | 10142 |
| Fannie D. Perry | 10055 | John A. Hood | 10143 |
| Minnie B. Williams | 10056 | Oba Maxfield | 10145 |
| Solomon Copeland | 10058 | Mary L. Cloud | 10146 |
| Etha B. Wood | 10059 | Callie Inlow | 10147 |
| James Pace | 10060 | Everett M. Lawrence | 10148 |
| Wiley B. McElhanev | 10062 | Dora E. Hays | 10150 |
| Nancy Patrick | 10063 | Julia M. Schrimsher | 10151 |
| James R. Stout | 10072 | Parmelia E. Lyman | 10153 |
| George Parker | 10073 | Charles F. Trickey | 10161 |
| Laura Morton | 10074 | Louisa J. Palmour | 10169 |
| John D. Kelly | 10075 | George L. Walker | 10170 |
| Nettie Swift | 10078 | Annie Taylor | 10171 |
| Maggie Baldrige | 10079 | Josie Winters Hall | 10174 |
| David R. Stubblefield | 10080 | Alice Nichols | 10181 |
| Thomas J. C. Thompson | 10081 | Lizzie Dry | 10182 |
| Cora P. Harlan | 10082 | Emma Murray | 10183 |
| William L. Singleton | 10083 | Annie Winton | 10187 |
| Lester Evans | 10084 | Marian Evans | 10188 |
| Ellen Mayfield | 10085 | Elizabeth J. McClain | 10192 |
| Ella Bray | 10087 | Eliza J. Price | 10199 |
| David J. Matthews | 10094 | Rissie Still | 10200 |
| Thomas Brown | 10100 | Hannah E. Langley | 10201 |
| Houston J. Payne | 10103 | Alma Keith | 10203 |
| Malinda E. Seudder | 10104 | Flora A. Terrill | 10204 |
| Henry Odell | 10105 | Talesphora A. Paradee | 10205 |
| Fred Macy | 10107 | Samuel Shadix | 10206 |
| Mary Russell | 10108 | Mary E. Childers | 10207 |
| Thomas B. Brown | 10109 | Robert M. Hamilton | 10208 |
| Samuel L. Milligan | 10111 | Julia Billingslea | 10209 |

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|----------------------|-------|-----------------------|---|-----|
| Nannie Martin | 10210 | Joseph Reed | D | 468 |
| Sarah A. Fields | 10214 | Adolphus J. Hallum | D | 483 |
| Susie Henderson | 10216 | Alexander Walker | D | 490 |
| Charles H. Rienhardt | 10218 | Albert J. High | D | 491 |
| William H. Watkins | 10221 | America Matoy | D | 501 |
| Frank M. Rucker | 10222 | Moses L. Grazier | D | 503 |
| Henry C. Reed | 10224 | Myrtle Hall | D | 509 |
| Laura B. Timberlake | 10226 | Wallace Thursday | D | 544 |
| George A. Brown | 10228 | Thomas W. Baker | D | 546 |
| Drucilla Lowrey | 10232 | Mattie E. Keys | D | 550 |
| Almira Mouse | D | William S. Edwards | D | 560 |
| Lenora Prather | D | Susan L. Reed | D | 572 |
| Andrew M. Cooter | D | William H. Lyman | D | 574 |
| Martin L. Stokes | D | Gracia Davis | D | 577 |
| Peter Walters | D | Edward C. Bolen | D | 582 |
| Columbus M. Reeves | D | Dora Guthrie | D | 585 |
| Sarah Barnes | D | Samuel H. Hawkins | D | 594 |
| George T. Kiddy | D | Lula M. Purcell | D | 600 |
| Henry C. Agent | D | Ben Estes | D | 603 |
| Joseph Phipps | D | Thomas M. Reynolds | D | 621 |
| Henry Hilton | D | Arthur Dodge | D | 622 |
| David A. McGlamery | D | Carrie L. McNair | D | 624 |
| Maggie Doublehead | D | Constantine N. Walker | D | 641 |
| Annie Lovett | D | Joseph Davis | D | 648 |
| Nora Hood | D | Leander A. Keys | D | 650 |
| John A. Johnson | D | James J. Barndollar | D | 655 |
| Nathaniel G. Simpson | D | Nathan J. Brink | D | 682 |
| Oncico W. Head | D | William S. Miles | D | 688 |
| Etta Taylor | D | Emma Waybourn | D | 698 |
| Susan V. Sullivan | D | Dora E. Rogers | D | 708 |
| Levi H. Tackett | D | James W. Turley | D | 709 |
| William H. Connelley | D | Lizzie Ward | D | 711 |
| Julia A. Sullivan | D | Robert J. Holly | D | 713 |
| May Fields | D | Belle I. Quinton | D | 728 |
| Katie Hummingbird | D | Francis M. Boothe | D | 734 |
| William F. Sager | D | Amos W. Lord | D | 746 |
| Lovick P. Garrison | D | Agnes N. Childers | D | 749 |
| Henry Grubb | D | John E. Renfrow | D | 752 |
| Lucy F. Lacey | D | William Coon | D | 759 |
| Callie Blevins | D | Louis Bruere | D | 779 |
| James S. Alfrey | D | Georgia A. Waybourn | D | 786 |
| Shadrack C. Wallen | D | Eliza Fields | D | 787 |
| Ada Hall | D | William H. Brown | D | 788 |
| Jane M. Hicks | D | William A. Cox | D | 793 |
| Fannie L. Dupree | D | Charles A. Robison | D | 799 |
| Willis Battles, Jr. | D | Artha Williams | D | 800 |
| Joshua W. Ellis | D | Adam Gearhart | D | 806 |
| Nina B. Owen | D | Cicero F. Rogers | D | 855 |
| John M. Ridenour | D | Annie Garrett | D | 856 |
| Emery S. Thompson | D | George S. Yarborough | D | 875 |

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| Rhoda A. Sanders | D | 878 | Ella Vann | D | 1320 |
| Manuel Spencer | D | 884 | Linnie Wofford | D | 1330 |
| Benjamin H. Hulbert | D | 891 | Minnie Downing | D | 1332 |
| Mary Brassfield | D | 935 | Katie Rider | D | 1334 |
| James L. Tindle | D | 944 | Samuel G. Mills | D | 1337 |
| Silas G. Reneckar | D | 966 | Alfred H. Woods | D | 1342 |
| Eliza Wofford | D | 967 | Cynthia Whitekiller | D | 1352 |
| Jasper L. Newton | D | 971 | Susie McSpadden | D | 1361 |
| John N. Guinn | D | 974 | Martha J. Houston | D | 1363 |
| Hannah Parson | D | 989 | Samuel M. Collier | D | 1367 |
| Nellie C. Helterbrand | D | 1003 | Katy Payne | D | 1369 |
| Thomas J. Welch, Jr. | D | 1006 | Joseph H. Warren | D | 1375 |
| Lizzie Christian | D | 1010 | Mattie Miller | D | 1433 |
| George Hazlewood | D | 1013 | S. F. Moore | D | 1434 |
| James M. Jones | D | 1022 | Addie Schrimsher | D | 1448 |
| Reuben A. Evans | D | 1032 | Fannie Vann | D | 1458 |
| Carrie H. Cobb | D | 1049 | Mareella Blakeney | D | 1474 |
| John M. Burns | D | 1069 | G. W. Williamson | D | 1555 |
| Sarah E. Henson | D | 1083 | C. F. Walker | D | 1558 |
| Laura D. Henson | D | 1086 | Louisa Blevins | D | 1567 |
| Hettie E. Downing | D | 1090 | Frank Cowles | D | 1581 |
| Benjamin F. Crain | D | 1099 | Mary Francis Maddling | D | 1637 |
| Benjamin Strickler | D | 1129 | Thomas Rodman | D | 1661 |
| Nancy Spaniard | D | 1130 | Katie Still | D | 1866 |
| Annie Wilson | D | 1131 | Ira Creach | D | 1913 |
| Ora H. Maxwell | D | 1135 | D. A. Mounts | D | 1967 |
| Reuben W. Moore | D | 1136 | J. C. Sefton | D | 1991 |
| Cora Childs | D | 1146 | Jennie Holland | D | 2024 |
| Janie Hughes | D | 1179 | Lou Sanders | D | 2216 |
| Francis B. Reid | D | 1180 | Caroline Barnes | D | 2591 |
| Martha Carey | D | 1195 | Lacey Crane | D | 2592 |
| Christina Johnson | D | 1199 | Daisy Cash | D | 2595 |
| Louvenia Ironside | D | 1208 | Hiram A. Landers | D | 2599 |
| Martha J. Henson | D | 1218 | Charles Neel | D | 2603 |
| David A. Martin | D | 1228 | Mattie Robinson | D | 2605 |
| Fred D. McEnery | D | 1235 | Jennie Rich | D | 2606 |
| Nathaniel R. Martin | D | 1261 | Alexander C. Russell | D | 2607 |
| James H. Requa | D | 1266 | Pricilla Ross | D | 2608 |
| Frank Carver | D | 1267 | Tom W. Reeves | D | 2609 |
| Etta B. Payne | D | 1270 | Mary Smart | D | 2612 |
| Mary Garrett | D | 1271 | Rufus Tidmore | D | 2613 |
| Joe W. Goodman | D | 1272 | Jasper Turquitt | D | 2614 |
| Mathew J. Flanigan | D | 1274 | Mabel West | D | 2618 |
| Lizzie C. Holland | D | 1285 | Ophelia West | D | 2619 |
| Etta Downing | D | 1291 | Cora Whisenhunt | D | 2620 |
| William Caywood | D | 1296 | Katy Martin | D | 2667 |
| Clarence W. Turner | D | 1307 | Willis Butler | D | 2686 |
| Alfred Chaney | D | 1313 | Claud Barger | D | 2687 |
| Euphemia Sweetwater | D | 1314 | Disie Conner | D | 2698 |
| Etta Russell | D | 1319 | John Culwell | D | 2699 |

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|-----------------------|--------|---------------------|--------|
| Herbert F. Couch | D 2700 | Samuel A. Parkhurst | D 2821 |
| Albert C. Dykes | D 2703 | Ellen Rogers | D 2822 |
| Delora Drew | D 2704 | Elijah Rolland | D 2827 |
| Frank F. Danderson | D 2705 | Endora Steele | D 2828 |
| James Gafford | D 2708 | William M. Stucker | D 2829 |
| Anna L. Harlin | D 2715 | Sallie Tauuneacie | D 2831 |
| William R. Lipsey | D 2717 | Mary Tassle | D 2832 |
| Bertha Landrum | D 2718 | John F. Wolf | D 2835 |
| Lila More | D 2722 | Ruth A. Ward | D 2840 |
| John D. Mathews | D 2723 | Winnie Daugherty | D 2884 |
| Mary McIntosh | D 2725 | Mary Guthrie | D 2885 |
| Bertha Nidiffer | D 2730 | Lydia Long | D 2886 |
| Richard Nichols | D 2731 | Edda Roberts | D 2887 |
| William S. Ross | D 2738 | Manda Ward | D 2889 |
| Irene Riley | D 2739 | Elmira J. Alberty | D 2905 |
| William H. Rowley | D 2740 | Thomas C. Cordray | D 2906 |
| Colombus C. Scroggins | D 2741 | Edward Fowler | D 2907 |
| Della Summers | D 2743 | Dora Foreman | D 2908 |
| William S. Sage | D 2744 | Parker Holt | D 2909 |
| Eliza Thomas | D 2748 | John Haston | D 2910 |
| John P. Thurman | D 2749 | Georgie Harlin | D 2911 |
| Mary E. Davis | D 2770 | Percillia Johnson | D 2913 |
| Jessie Frick | D 2774 | Bettie Morton | D 2915 |
| Enna Bullington | D 2788 | Samantha Spade | D 2917 |
| Will Black | D 2789 | Mariah Ward | D 2918 |
| Maggie E. Davis | D 2792 | Ellen Watt | D 2919 |
| Thomas Dotts | D 2793 | Nora Morten | D 2920 |
| William Daws | D 2794 | Lizzie Anderson | D 2981 |
| Nancy Dawson | D 2796 | Francis Duval | D 2984 |
| Lena Fields | D 2797 | Wade S. Hayes | D 2987 |
| Effie Grayham | D 2798 | James A. Hankins | D 2988 |
| Alice C. Hill | D 2799 | Joseph Hardee | D 2991 |
| Bertha H. Harlin | D 2800 | Tennie Horn | D 2992 |
| Margrett C. Hudson | D 2801 | Eveline Hall | D 2993 |
| Joseph A. Kelley | D 2803 | John E. Leftwich | D 2995 |
| Andrew O. Kepler | D 2804 | Mattie Henson | D 2994 |
| Josephine King | D 2805 | John D. Colvard | D 2998 |
| Sarah Jane Birdsong | D 2806 | Charles W. Phillips | D 2999 |
| Marion Maddox | D 2807 | Sarah Shanks | D 3000 |
| John A. McKenzie | D 2808 | Nettie Young | D 3009 |
| Ione McGee | D 2809 | Jerry P. Ables | D 3048 |
| Ollie Miller | D 2810 | Almedie Ross | D 3052 |
| William A. Martin | D 2811 | John S. J. Fowler | D 3055 |
| Jesse P. Morrow | D 2812 | Leaner Hood | D 3056 |
| Oliver Mason | D 2813 | James D. Jackson | D 3057 |
| Edna Whitehead | D 2814 | Emma G. Nelson | D 3058 |
| Charley Nuckolls | D 2815 | Alice Simco | D 3059 |
| Etta M. Nidiffer | D 2817 | George O. Wallace | D 3060 |
| Louizer Ossowee | D 2818 | Fannie Clay | D 3078 |
| William H. Patterson | D 2820 | Ellen Drew | D 3079 |

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|--------------------|---|------|-------------------|---|-----|
| Lue Fish | D | 3081 | Della Baldridge | R | 105 |
| Horace Gray | D | 3082 | Samuel Richey | R | 107 |
| Lula Pack | D | 3083 | Malissa Fields | R | 144 |
| Lelia C. Harris | D | 3084 | Fred Zimmerman | R | 220 |
| Thomas Jones | D | 3086 | Ella Anspach | R | 241 |
| Benjamin Laws | D | 3088 | Michael R. Mizer | R | 266 |
| Martha Spade | D | 3092 | Belle A. Powell | R | 352 |
| Julian Wyrick | D | 3093 | Austin L. Hill | R | 420 |
| Samuel Harlan | D | 3157 | Mary L. Dudley | R | 439 |
| Lizzie Phariss | D | 3171 | Stephen Hazlett | R | 465 |
| Jack Michael | D | 3172 | Mary A. Payne | R | 484 |
| Sarah E. Davis | D | 3176 | Rebecca Benge | R | 563 |
| Grace Guthrie | D | 3181 | Sarah Wilson | R | 613 |
| Mary E. Thornton | D | 3183 | Dora Crane | R | 628 |
| Mamie Thompson | R | 4 | Andrew Sitrell | R | 642 |
| Jimmie G. Thompson | R | 5 | John Sitrell | R | 642 |
| William T. Kelly | R | 10 | Lillie May Wilson | R | 643 |
| Alice Tidwell | R | 19 | Ollie A. Barger | R | 656 |
| Rosenna McLaughlin | R | 41 | Ida Hawkins | R | 671 |
| Martha A. Perdue | R | 45 | Lizzie Davis | R | 761 |
| Gabriel L. Payne | R | 61 | Clara M. Emmons | R | 803 |

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

(C O P Y)

Refer in reply
to the following:

Land.

69,072-1902

69,835-1902

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, Dec. 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Theodore P. Emmons for the enrollment of himself and four minor children, Dallas M., Vivian H., Clarence D. and Warren H. Emmons, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Clara M. Emmons, as a citizen by intermarriage of the Cherokee Nation.

There is also transmitted, herewith, supplemental proceedings had in said case.

The record evidence shows that said Theodore P. Emmons is identified on the Register of Shawnees who removed to and located in the Cherokee Nation within two years of the 9th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation, approved by the President of the United States on June 9, 1869; that said Theodore P. Emmons is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and on the Cherokee-Shawnee Pay roll

of 1896; that said Clara M. Emmons, a white woman, was lawfully married to said Theodore P. Emmons on October 15, 1889; that said minor children are shown to be the children of said Theodore P. and Clara M. Emmons and are identified on the 1896 Cherokee-Shawnee Pay roll.

The evidence also shows that said Theodore P. Emmons has not resided in the Cherokee Nation or the Indian Territory since 1875 and that said children have never resided in said nation or Territory.

On November 12, 1902, the commission rendered a decision in this case holding that under the facts therein section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), providing that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship" applies to this case, and ^{that} therefore the application for enrollment of the applicants should be denied.

The office concurs in this decision of the commission, and recommends that the same be approved and affirmed by the Department.

Very respectfully,

m W. A Jones,

Commissioner

(W.CB.)

P.

D. C. No. 1902
ITD 8003-1902
LRS

(C O P Y)

EAF

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 17, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the application for enrollment of Theodore P. Emmons and his minor children, Dallas P., Vivian H., Clarence D. and Warren H. Emmons, as citizens of the Cherokee Nation by Shawnee blood, and for enrollment of his wife, Clara M. Emmons, as an intermarried Cherokee citizen.

The evidence shows that Theodore P. Emmons is identified on the register of Shawnees who removed to and located in the Cherokee Nation within two years from the 9th day of June, 1869, and that he is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and on the Cherokee Shawnee pay roll of 1896; that since 1875 he has not, and the other applicants have never, resided in the Indian Territory. In accordance with paragraph nine, section 21 act of June 28, 1898 (30 Stat., 495), you rejected the application November 12, 1902.

The Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter of December 22, 1902, is inclosed.

The Department affirms your decision.

Respectfully,

(Signed) Thos Ryan

(C O P)

D.C. No. 6352-1904

JP. FHE. LRS.

I.T.D. 8003-1902.

7184-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 19, 1904/

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 17 , 1903, the Department affirmed your decision rejecting the application of Theodore P. Emmons for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

August 8, 1903, there was received a motion by the attorneys for the claimants for a "rehearing" in this case.

On September 21, 1903, you requested that the case be remanded, in order that you might readjudicate the matter in accordance with the ruling of the Department in the Yeargain case.

The principal applicant is identified on the 1880 authenticated roll of the Cherokee Nation. At the time the testimony was taken it appeared that he had not resided in the Cherokee Nation or Indian Territory since 1875, and that his wife and children have never resided in the nation.

Your request is granted. The decision of January 17, 1903 is hereby rescinded , and all the papers are inclosed herewith.

You are authorized to take further testimony in the case if you consider it necessary. Advise the attorney for the claimants and the attorney for the Cherokee Nation hereof.

-2-

The papers transmitted include a copy of Indian Office letter of October 8, 1903, recommending that the decision of January 17, 1903, be revoked.

Respectfully,

(Signed) E. A. Hitchcock
Secretary

4 inclosures

Cher. R 803

Muskegee, Indian Territory, January 10, 1907.

Clara M. Emmons,

Thayer, Missouri.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. ---p---

Commissioner.

Cherokee R
803

Muskogee, Indian Territory, March 14, 1907.

Clara M. Emmons,
Thayer, Missouri.

Dear Madam:

You are advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January
10, 1907, rejecting your application for enrollment as a
citizen by intermarriage of the Cherokee Nation, was af-
firmed by the Department, January 26, 1907.

Respectfully,

MTM

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the
~~Commissioner to the Five Civilized Tribes~~, dated January
10, 1907, rejecting the application for the enrollment of
James Watson, et al., as citizens by intermarriage of the
Cherokee Nation, was affirmed by the Department, January
26, 1907.

For your information, there is enclosed herewith
a copy of Departmental decision referred to.

Respectfully,

Encl.C-100
MTM

Commissioner.

HEROEE

803

Theodore P. Commons A. acc.

DENIED

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JAN 17 1905

GRANTED

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 1 1905

803

Sep. 20 1905 Nos 1 & 3 to 6 in.
Transferred to Chev. 10941
Transferred from New York
D 434

Cher R 804

Cher R 804

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 24, 1902.

In the matter of the application of George Ross Murrell for the enrollment of himself and child as citizens by blood of the Cherokee Nation.

Applicant represented by John R. Thomas, Muskogee, I. T.
Cherokee Nation represented by J. O. Starr.

The said George Ross Murrell, being first duly sworn, testified as follows:

- COMMISSION: What is your name? A George Ross Murrell.
Q How old are you? A Forty.
Q What is your postoffice address? A At present Bayou Goula, Louisiana.
Q Do you make application for the enrollment of yourself as a Cherokee by blood? A Yes, sir.
Q What degree of Cherokee blood do you claim? A About one-thirty-second I figure.
Q Do you make application for anyone besides yourself? A My brothers and sisters and my child.
Q They are all over 21 years of age? A My brothers and sisters are, yes, sir.
Q They will have to make application in their own behalf; have you any children yourself? A I have one child.
Q What is its name? A Sarah Gwin Murrell.
Q How old is your daughter? A About nineteen months, between nineteen and twenty, I forget what the age is exactly.
Q She's living? A Yes, sir.
Q What was the mother's name? A Margaret Gwin, that was her maiden name.
Q Is the mother of the child living? A Yes, sir.
Q Is she a Cherokee or a white woman? A White woman.
Q Where were you born, Mr. Murrell? A I was born at Hunter's Home, five miles from Tahlequah.
Q How long did you continue to reside in the Nation after your birth? A I don't know.
Q How long after your birth, Mr. Murrell, was it before you left the Cherokee Nation? A I don't know exactly, sir, I left as a child.
Q About how old were you? A It's about two years; I don't know.
Q Where did you go then? A We went from there to New York, afterwards to Lynchburg, Virginia, we left during the war.
Q Have you ever lived in the Cherokee Nation since that time? A Only on visits.
Q Have you ever been recognized by the tribal authorities of the Nation as a citizen? A Yes, sir.
Q When? A I will have to refer to papers.

There is offered in evidence a certificate signed by D. W. Lipe, Treasurer, Cherokee Nation, by Robert B. Ross, Secretary, showing that the sum of \$265.70 was paid to George Ross Murrell in accordance with an act of the Cherokee National Council approved December 8, 1894. The same is filed and made a part of the record in this case.

MR. THOMAS: Do you remember the date of the admission of yourself and family as citizens of the Cherokee Nation? A I have been, only by what I have heard, sir.

Q Well do you know it by the certificate? A Yes, sir, by this evidence.

Q Well look on it and see. A (Referring to paper) August 26, 1894.

Q By what Commission? A By the Commission of the Adair Court.
Q The Adair Commission; is your name on the rolls of the Cherokee Nation? A Yes, sir.
Q What was your father's name? A George M. Murrell.
Q What was his citizenship? A He was a citizen of the Cherokee Nation by adoption for years.
Q Your mother's name? A Amanda Ross.
Q What was her citizenship? A She was a citizen by blood, daughter=
Do you want that?—daughter of Lewis Ross.
Q Citizen by blood of what? A By Cherokee blood.
Q Citizen of the Cherokee Nation by blood is what you mean? A Yes, sir.
Q What was her father's name? A Lewis Ross.
Q What relation was he to Chief Ross that was for forty years Chief of the Cherokee Nation? A Brother.
Q Was he an Indian by blood? A Yes, sir.
Q How far back have your family been Cherokee Indians and recognized as citizens of the Cherokee Nation? A To my knowledge from since the time they moved from Tennessee, that is from hearsay knowledge.
Q What time did you know of the family? A Since they came back, 1837.
Q Since 1838 wasn't it? A Yes, sir, identified with them in Tennessee.
Q Have each of the members of your family been lineal descendants of citizens of the Cherokee Nation and duly enrolled citizens of the Cherokee Nation? A Yes, sir.
Q You say that you were absent from the Nation; were you taken away during the war as a child? A Yes, sir.
Q Afterwards was at school? A Well, we went south and the conditions were such that we couldn't get back here for years.
Q Did you ever return to the Nation? A I did on visits occasionally.
Q Well what do you mean by visits; isn't it a truth that he had a home, that Hunter's Home was his residence for sixty years, and has been in the family and is now the property of the family? A Claim ownership to that now.
Q Isn't it a fact that you and your father and mother before you and your grandfather and grandmother probably before you, that have held that home, and you own it today, and own the furniture there in the house and the stock that's on the farm? A No, not my grandfather; my father and mother.
Q Well do you still own it? A Yes, sir.
Q Is it still your property? A So considered.
Q Well you control it don't you? A Yes, sir.
Q What have you done toward maintaining your home together with property belonging to it? A We have always had it occupied by someone with a view to keeping it up, and have at times sent money and spent money on the repairs of it.
Q You still control it? A Yes, sir, through=
Q Through your agent I mean? A Yes, sir.
Q Have you ever surrendered your Cherokee citizenship? A No, sir.
Have you ever had any intention of surrendering it? A No, sir.
Q Do you still claim and have you always claimed that you were a citizen of the Cherokee Nation? A Yes, sir.
Q Same with your sisters and your brothers? A To my knowledge, yes, sir.
Q Do you know the number of the rolls upon which your names have appeared, the years? A Only by reference to the books that I know it.

Q Were you entered as a citizen of the Cherokee Nation on the Census Roll of 1896? A Yes, sir.

Q Have you exercised the rights and privileges of a Cherokee citizen all your life or since you were regularly readmitted by act of the Council? Have you done anything as a Cherokee citizen, taken out permits for people to live on your employment of people on your place? A In 1893 and 1894 we had permits in my name to engage laborers.

Q That's what I mean. A Yes, sir.

Q Guess I had better establish that by Mr. Ross who knows more about it. I don't believe I think of anything else.

The applicant is identified on the Cherokee Census Roll of 1896, Tahlequah District, on page 1214, No. 3280, as George R. Murrell.

COMMISSION: Is your mother's name Amanda R.? A Yes, sir, she's dead; Amanda.

MR. STARR: How long have you been living in Louisiana? A Since 1883.

Q You say you have never resided in the Cherokee Nation since the Civil War? A No, sir.

Q You weren't living here on June 28, 1898, you weren't in the Cherokee Nation? A I was here during the summer of 1898, I don't know whether I was especially on that date or not.

Q Wasn't here to live though? A No, I was here to look after my property in a measure and see my family.

Q But your home has been in the States ever since the Civil War? A So recognized.

Q Living in Louisiana now? A Yes, sir.

MR. THOMAS: You had two homes as a matter of fact? A Had three as a matter of fact, always considered them so.

Q Isn't it a fact that your father and his family usually spent their summers at their home here on Illinois River? A Used to spend it here and then spent it in Virginia.

Q Sometimes here and sometimes in Virginia? A Yes, sir, we always considered that we had equally three places, one was equal to the other; one we had to work to get the living out of.

Q As a matter of fact your father inherited considerable property in Louisiana and in Virginia and held that in addition to the property he owned in the Cherokee Nation, isn't it? A Yes, sir.

Q Have you ever done any act by which you intended to forfeit your citizenship in the Cherokee Nation? A Not to my knowledge.

Q Have you ever done anything with a view of abandoning your home and citizenship in the Cherokee Nation? A Not to my knowledge.

JOSHUA ROSS, being first duly sworn, testified as follows:

MR. THOMAS: What is your name? A Joshua Ross.

Q Where do you live? A I live in Muskogee.

Q What's your citizenship? A Cherokee.

Q You are a duly enrolled citizen of the Cherokee Nation? A Yes, sir.

Q How long have you been so? A Oh I have been a citizen of the Cherokee Nation, I have been that all my life, 69 years.

Q Are you acquainted with the applicant for citizenship, Mr. George R. Murrell? A Yes, sir.

Q Are you related to him? A Yes, sir, I am first cousin to his mother, second cousin to him.

Q Were you acquainted with his mother? A Yes, sir.

Q What was her citizenship? A She was Cherokee.

- Q Is her name on the rolls of the Cherokee Nation? A Yes, sir.
Q What was it? A It was Amanda Ross.
Q Her maiden name was Amanda Ross? A Yes, sir.
Q Whose daughter was she? A Lewis Ross, brother of John Ross, Chief John Ross.
Q Brother of Cooweescoowee? A Yes, sir.
Q Where was she born? A Why she was born in the old Nation I think at Charleston on the Hiwassee River, where they lived.
Q Charleston, Tennessee? A Yes, sir.
Q When did she come to the Indian Territory? A Well her father and mother moved in 1838, she was at school, well her parents returned from school in 1840, along somewhere, '44 or '5.
Q Did you know the father of Mr. Murrell? A Yes, sir.
Q What was his name? A George M. Murrell.
Q What was his citizenship? A Well he was an adopted Cherokee.
Q Adopted citizen of the Cherokee Nation? A Yes, sir.
Q Where was his residence, his legal residence? A His legal residence was at Hunter's Home, at Parkhill, five miles south of Tahlequah.
Q In the Cherokee Nation? A In Tahlequah District, Cherokee Nation.
Q What was the legal home of this young gentleman? A Well he was born there, born there to Hunter's Home in '61, September 26, I believe.
Q Do you know of his retention of his home there by any acts of his and the retention of his citizenship? A Yes, sir.
Q Was his citizenship ever brought into question? A Not to my knowledge, he has been on the rolls, and been getting permits to rent the farm there.
Q Have you any of those permits? A I have.
Q Will you make exhibit of them. (Witness hands papers to Commission.)

There is offered in evidence by the attorney for the applicant certain permits issued by the officials of the Cherokee Nation authorizing Ross Murrell to employ noncitizen labor. The same will be filed and made a part of the record.

- Q Is this Ross Murrell referred to in these receipts the identical person? A He is the identical man.
Q The applicant is the identical person mentioned in those permits? A Yes, sir.
Q State whether you know that the applicant and his parents before him have property, I mean personal property, cattle and household furniture and other property, in their home at Hunter's Home, near Parkhill, Cherokee Nation, and have always kept it there? A Yes, sir, they have had the place for sixty years at least, and then they have cattle and furniture and things, other personal property at Parkhill, Hunter's Home.
Q Is it there at the present time? A Yes, sir.
Q And they have always kept their property there? A Still there, yes, sir, it has always been there.
Q Do you know of these citizens, when question was raised at one time as to their citizenship, of their being admitted by the Cherokee Council? A Yes, sir.
Q The Adair Commission? A Yes, sir.
Q Do you know of your own knowledge whether or not Mr. Murrell and his sisters and brothers are citizens of the Cherokee Nation? A Well I consider them as citizens anyhow.
Q Your recollection of Mr. Murrell being here and living out at Hunter's Home in June, 1898, was it?
MR. STARR: Yes, sir.

MR. THOMAS: In June, 1898? A He was out here that time, and in that year he was here I know.

Q I believe that's all.

MR. STARR: Do you know when this applicant left the Cherokee Nation? A Yes, sir, I knew when he left the Cherokee Nation.

Q When was that? A In '62 during the war, taken out of the country by the United States troops.

Q Has he ever removed to and permanently located in the Nation since then? A Why after he became of age he went to school in Virginia, and his father had property in Virginia and he stayed with his father, and afterwards was in Louisiana, and then after the death of his father he managed the business there and kept up the place here at Parkhill; I know that to be a fact.

Q Do you know where he lives now? A I know that he has a place down in Louisiana there at Bayou Coula, and also one here at Parkhill, Hunter's Home.

MR. THOMAS: Do you know—I believe he has already stated that, however—how much Cherokee Indian blood there is in him? A Well I never did figure it out; I knew he had enough to hold his rights though.

Q I believe it is 1/32 or 1/16. A He stated that.

MR. STARR: Isn't it a matter of fact that this man's home has been in the State of Louisiana or somewhere outside of the Cherokee Nation since the Civil War? A Well I say this; that his father returned immediately after the war and was up at the place there a while, and then he had property in Louisiana and property in Virginia and he went and attended to that.

Q Well where did he live all these years? A Why he has been making sugar down in Louisiana and sending a barrel or two once in a while up here to friends and he has been down in Louisiana.

Q Has that been his home all the time? A Well I consider this his home, up here at Parkhill.

MR. THOMAS: Do you know whom the father and mother of this young man, as well as this man, where they have always regarded their legal residence? A They have always regarded it in the Cherokee Nation, those permits there show that he is a citizen of the Cherokee Nation showing they were living in 1887, I believe it was, and then they have the record of it in 1896, then they got the Cherokee Strip money in 1894.

MR. STARR: The Cherokee Nation objects to the introduction of the permits.

ROBERT B. ROSS, being first duly sworn, testified as follows:

MR. THOMAS: What is your name? A Robert B. Ross.

Q Your residence? A At present at Parkhill, Hunter's Home, five miles south of Tahlequah, Tahlequah District, Cherokee Nation.

Q What's your citizenship? A Cherokee.

Q How long have you been a citizen of the Cherokee Nation? A Nearly 57 years.

Q Are you acquainted with the applicant, Mr. Murrell? A Yes, sir.

Q How long have you known him? A Well I have known him ever since the war, and knew him in infancy.

Q What was his citizenship? A Citizenship is Cherokee; he is a Cherokee by blood.

Q Cherokee? A Yes, sir, Cherokee Nation.

Q By blood? A Yes, sir.

Q Did you know his mother? A Yes, sir.

Q What was her name before she was married? A Amanda Ross.

Q What relationship did she bear to you? A She's about a third cousin, she was, to me.

Q She was the daughter of Lewis Ross? A Lewis Ross, and Lewis Ross was a brother of Chief John Ross.

Q And the father's name was Allen Ross? A Yes, sir, Allen Ross.

Q Do you know of your own knowledge and from what you have seen and heard in the family, of where the legal residence of Mr. Murrell has been all his life? A Well his legal residence is in the Cherokee Nation there at Hunter's Home.

Q Who is the owner of Hunter's Home? A Well it's Mr. Murrell.

Q Mr. Murrell? A Yes, sir.

Q The applicant? A Yes, sir.

Q Are you his tenant? A Yes, sir.

Q Having been his agent when he has been away from there to look after his property? A Yes, sir, I went on, taken possession of his place along about the twenty-fifth or sixth of November, 1895.

Q As his tenant? A Yes, sir.

Q State whether Mr. Murrell owns now and has ever since you have been acquainted with Hunter's Home, any property on that place? A Yes, sir, well he owns the place there, and the house, and the house is furnished with bedsteads and bedding and all kinds of parlor furniture and a great many household goods, different articles.

Q Any other property? A And he has stock, cattle; I suppose there must be—I couldn't tell just exactly the number, but somewhere in the neighborhood of thirty, maybe more.

Q Thirty head of cattle? A Yes, sir, all marked and branded in the original marks and brands that are always kept there.

Q The Murrell family? A Yes, sir.

Q Do you know of any reason why he should not be regarded as a Cherokee citizen? A I do not.

Q Do you know of any reason why he should? A I do.

Q State them. A Well because he owns the property there, went away, leaving it to an agent there; there was Mrs. Eliza Ross, a daughter of Elizabeth Jane Ross. They stayed there until after peace was made, and then his aunt, Araminta Vann Ross or Araminta Ross Vann taken possession of the place, and then afterwards Mr. Walker became his agent, and then he employed white labor there to look after the place and after the white labor left I succeeded one of them, went there, and so the place has been continually in the possession or under the direct control of the Murrell family, his father during his lifetime, and since under Mr. Murrell to the present time.

Q Do you know of any better reason why he should be regarded as a Cherokee citizen? A I do not.

Q Was he not born a citizen of the Cherokee Nation? A Yes, sir.

Q Is he not a Cherokee by blood? A Yes, sir.

MR. STARR: How often has this man been to the Cherokee Nation since you have had charge of his affairs? A Well he has been out here twice.

Q How often has he been back? A Well I disremember now just what year; I think it was in 1898 he was here, he was out and spent quite a while with us.

Q How long did he stay at each time? A Well he was up there a week or ten days; I can't remember just exactly the length of time he stayed.

Q Just on a visit? A Well yes, come to look after his property there.

Q Just come and spent a few days and then went back to Louisiana?

A Yes, sir, he went back.

Q Living in Louisiana now? A Yes, sir.

Q And has been for how long? A I couldn't tell just exactly how long he has been of my own personal knowledge; he has been there

off and on ever since the war.

GEORGE R. MURRELL, recalled:

MR. THOMAS: How long were you here in 1868, do you remember?

A What year?

Q In 1898 I mean? A I was in the Territory for nearly three months I think, on two trips that same summer. My trips that I made were altogether was the first one must have been in '69; we were here again in '71 and I think '73, I spent nearly four months in the Territory in '83; in that interval between I was at college; after that my father's health in business kept me close to him. Then in 1883 I stayed at Hunter's Home nearly three months with people, continuing to Muskogee and Gibson.

MR. STARR: Did you ever bring your family here? A Had none till recently.

Q When were you married? A Married three years ago.

Q How long did you stay in the Cherokee Nation when you came in 1898? A I think it was between two and three months.

Q Out here on a visit and went back and stayed? A On a visit and also on a business trip.

Q Didn't come here to make this your home and locate? A Locate permanently, no.

MR. THOMAS: You already regarded this as your home didn't you?

A Yes, sir.

Q Didn't have to come to make it? A No, sir.

COMMISSION: The following entry appears on page 171 of Docket B, Cherokee Commission on Citizenship record, being entitled Amanda R. Murrell:

"Amanda R. Murrell.

Office Commission on Citizenship
Tahlequah C. N. Sept. 5th, 1887.

| Docket No. | Names | Age | Sex | Postoffice | Atty. |
|------------|----------------------|-----|--------|----------------|-------|
| 1 | Amanda R. Murrell | 58 | Female | Lynchburg, Va. | |
| 2 | George Ross Murrell | 25 | Male | | |
| 3 | Fanney E. Murrell | 23 | Female | | |
| 4 | Rosanna E. Murrell | 20 | " | | |
| 5 | Lewis Edward Murrell | 13 | Male | | |

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Applicant for
Cherokee Citizenship.
Rolls 1835

Wm. P. Ross.

vs.
Cherokee Nation.

Ancestor
Lewis Ross.

Now on this the 26th day of August, 1887, comes the above case for final hearing and the above named parties having made application pursuant to the provisions of the National Council approved December 8th, 1887 and all the evidence having been duly considered and found to be sufficient and satisfactory to the Commission, it is adjudged and determined by the Commission that Amanda R. Murrell, Geo. Ross Murrell, Fannie E. Murrell, Rosanna E. Murrell and Lewis Edward Murrell are Cherokees by blood and are hereby readmitted to all rights privileges and immunities of Cherokees by blood.

And a certificate of said decision of the Commission and of re-admission was made and furnished said parties accordingly.

Henry Eifert,
Clk. Com.

J. T. Adair, Chairman Commission.
John E. Guiter, Commissioner.
D. W. Lipe, Commissioner."

George R. Murrell applies for the enrollment of himself and his child, Sarah C. Murrell, as citizens by blood of the Cherokee Nation. The applicant is shown to have been admitted to citizenship in 1887. It is further shown that he drew his pro-rata share of the Cherokee strip money by a special act of the Council in 1894. He is duly identified on the Census Roll of 1896. He does not present evidence of his marriage to his wife, Margaret G. Murrell, and it will be necessary that he furnish the Commission with his original marriage license and certificate, as well as a duly executed affidavit as to the birth of the child. By reason of the fact that no satisfactory proof is made as to the residence of the said George R. Murrell, final judgment as to his application for the enrollment of himself and his child will be suspended, and they will be listed for enrollment as citizens by blood on a doubtful card.

The attorney for the applicant requests and will be granted thirty days from the date hereof in which to file with the Commission brief in behalf of the applicant.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of June, 1902.

[Signature]
Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 26th, 1902.

In the matter of the application of George R. Murrell for the enrollment of himself and child, Sarah G. Murrell; for the enrollment of his sister, Fannie E. Hughes, and her children, George M. M. Alexander and Geanne McD. Alexander; for the enrollment of his sister, Rosa E. Chambers, and her child, William A. Chambers, and for the enrollment of his brother, Lewis E. Murrell, and his children, George M. Murrell and Richard C. Murrell, as citizens by blood of the Cherokee nation.

Appearances:

For applicants - - - John R. Thomas.
For Cherokee nation - - W. W. Hastings.

George R. Murrell, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. George Ross Murrell.
Q. What is your post office address? A. At present Bayou Goula, Louisiana.

By permission of the Commission to the Five Civilized Tribes, upon application of George Ross Murrell he will be allowed, in the absence of his sisters and brother, to file their respective applications for enrollment as citizens of the Cherokee nation.

Q. What is the name of your oldest sister, Mr. Murrell, for whom you desire to make application? A. Fannie E. Hughes.
Q. How old is she? A. She would be 37 years old according to that. (referring to memorandum).
Q. What is her post office address? A. Lynchburg, Virginia.
Q. Is she a Cherokee by blood? A. Yes, sir.
Q. How much Cherokee blood does she possess? A. About one-thirty-second.
Q. Has she any children for whom you desire to apply? A. Yes, sir.
Q. What is the name of the oldest one? A. George M. Murrell Alexander.
Q. How old is that child? A. He would be about 13 years old.
Q. Now, the name of the next child? A. Geanne McDonald Alexander.
Q. How old is that child? A. I think about 10. I am not positive.
Q. The next child? A. That is all.
Q. Are they both living? A. They are both living.
Q. Are they living in Lynchburg with her now? A. Yes, sir; going to school.
Q. Who is their father? A. Frank Alexander, now dead.
Q. Was he a white man? A. Yes, sir.
Q. What is the name of the next sister for whom you desire to apply? A. Rosa E. Chambers.
Q. How old is she? A. About 34.
Q. Is she a citizen by blood? A. Yes, sir.
Q. About what degree of Cherokee blood has she? A. Thirty-second. Same as the others.
Q. What is her post office address? A. Richmond, Virginia.
Q. Has she any children for whom you desire to apply? A. Yes, sir.
Q. What is the name of the oldest? A. William Archer Chambers.
Q. How old is that child? A. I think he is about the same age as this little girl. (Geanne McDonald Alexander.) About 9 or 10.
Q. Has she any other children? A. That is all.

Q. What is the name of her husband? A. William Richard Chambers.
 Q. Is he living? A. Yes, sir.
 Q. Is he a Cherokee or white man? A. Whiteman.
 Q. Are this child, William Chambers, and its mother living?
 A. Yes, sir.
 Q. What is the name of the next sister or brother you desire to enroll? A. Lewis Edward Murrell.
 Q. How old is he? A. He would be 29 this fall; 28.
 Q. What is his post office address? A. At present Bayou Goula, Louisiana.
 Q. Is he living? A. Yes, sir.
 Q. Has he any children for whom you desire to make application?
 A. Yes, sir.
 Q. What is the name of the oldest child? A. George M. Murrell.
 Q. How old is that child? A. About 4.
 Q. Has he any other children? A. Yes, sir.
 Q. What is the name of the next one? A. Richard Conner Murrell.
 Q. How old is that child? A. That is a little over two; about 2 years.
 Q. Is that all his children? A. Yes, sir.
 Q. Who is the mother of these children? A. Mary Conner.
 Q. Is she living? A. Yes, sir.
 Q. Is she a Cherokee or white woman? A. White woman.
 Q. When was he married to her? A. June 26th, 1895.
 Q. It will be necessary that he furnish the Commission with evidence of his marriage to Mary Conner. What degree of Cherokee blood does your brother possess? A. Thirty-second.
 Q. Is he living at this time? A. Yes, sir.
 Q. What is the name of the father of Fannie E. Hughes, Rosa E. Chambers and Lewis E. Murrell? A. George M. Murrell.
 Q. Is he living? A. No, sir; he is dead.
 Q. Was he a Cherokee or white man? A. Adopted citizen, I believe.
 Q. Who is their mother? A. Amanda Ross Murrell.
 Q. Is she living? A. No, sir.
 Q. Was she a Cherokee? A. Cherokee by blood.

Examination by Mr. Thomas.

Q. Give the name of the father of the---your father and the three applicants. A. My father was George M. Murrell.
 Q. And your mother's name? A. Amanda Ross Murrell.
 Q. Was she the mother of each of these applicants? A. Yes, sir.
 Q. What was her father's name? A. Lewis Ross.
 Q. What was his citizenship? A. Cherokee.
 Q. By blood? A. By blood.
 Q. To what family did your mother belong? A. The old Ross family.
 Q. What relation to Chief Ross, John Ross? A. Niece.
 Q. Were these three applicants born---where were they born?
 A. All born in Virginia.
 Q. What was your father's and mother's legal residence? A. They considered Indian Territory as such.
 Q. Where did your father---or did he live in the Indian Territory, your father and mother, one period? A. Yes, sir.
 Q. Were you born in the Indian Territory? A. Yes, sir.
 Q. At what part? A. At Hunter's Home, near Park Hill, Cherokee nation.
 Q. Five miles from Tahlequah? A. Five miles from Tahlequah.
 Q. Do you and your sisters and brother own any property in the Cherokee nation at this time? A. We consider we do; yes, sir.
 Q. You knew whether you do or not? A. Well, we do.
 Q. What is the name of the property that you own? A. Hunter's Home.
 Q. How much of a place is that? A. I don't know the acreage under cultivation. There is a residence furnished complete; parlor, bedroom furniture, dining room furniture, library and cattle.

Q. The house is furnished complete? A. Complete; cattle in the field--in the pasture.

Q. How many cattle have you? A. It was reported to me about 30.

Q. How long has that property been in the possession of yourself and sisters and brothers, or in the family? A. We think about 60 years.

Q. Have you ever partes with the possession of that homestead?

A. Ever since we first owned it we have been in change of it or had other representatives there.

Q. Who keeps the place at present? A. Robert B. Ross.

Q. In what capacity? A. As agent.

Q. Of whom? A. Of myself, sisters and brothers.

Q. Do you know from information from your mother or father or other family sources where your father and mother were married; about when? A. Yes, sir; from information they were married at the home of Lewis Ross, at that time.

Q. In what nation? A. Cherokee nation.

Q. About when? A. About March 27th, 1856, by the Reverend Dr. Rwing.

Q. Did your parents leave the Cherokee nation at one time, and if so for what reason? A. They left when hostilities broke out. Father left to go south and mother was taken with Chief John Ross and the rest of the connection to New York, I believe.

Q. Did your parents, with the family, return to the Cherokee nation after that? A. Yes, sir; several times.

Q. What did they regard as their home; I mean their legal home?

A. They considered the Indian Territory as such.

Q. Do you know of your brother or ~~sisters~~ sisters, or either of them, ever having renounced their citizenship in the Cherokee nation? A. No, sir; I don't.

Q. Were you and your brother and sisters here during the summer of 1898 and about June 28th, 1898; did you return to the Indian Territory? A. To the best of my knowledge we were here about that time, on or about.

Q. Was your sister Rosa? A. Sister Rosa and my brother.

Q. And yourself? A. Yes, sir.

Q. Was Mrs. Alexander here at that time? A. Yes, sir.

Q. Has she been here since? A. No, sir.

Examination by the Commission.

Q. What is this oldest sister's name--Alexander? A. Hughes.

Her first husband was Alexander.

Q. Where was she born? A. She was born in Lynchburg, Virginia.

Q. Where was she married the first time? A. The exact date I don't-----

Q. I mean where was she married? A. She was married at Lynchburg, Virginia.

Q. Where was she married the second time? A. Same place.

Q. Has she ever been to the Indian Territory to live since her birth? A. Yes, sir.

Q. When? A. I think the first time was 1869, when she was a baby.

Q. How long did she remain here then? A. Remained here that summer to my best recollection. We again returned in 1871.

Q. How long did you stay that time? A. All summer. 1867, 1870 and 1871 I think are the periods.

Q. Has she ever been here since 1871 to live? A. Not to my knowledge.

Q. She has never lived here since her marriage to either husband?

A. She has not.

Q. She now lives in----- A. Lynchburg, Virginia.

Q. Where was Mrs. Chambers born? A. Lynchburg, Virginia.

Q. Was your second sister here on these same trips with her oldest sister? A. Yes, sir; she was here. Also in 1898.

Q. In addition to those periods she was also here in the summer of 1898? A. Yes, sir.

Q. Where was she married? A. Married in Lynchburg.

Q. About when? A. Those dates I don't remember.

Q. About how old is her oldest child? A. About 10 years old.

Q. Married 11 or 12 years? A. Yes, sir; 12.

Q. Is her husband living? A. Yes, sir.

Q. Where do they live? A. Richmond.

Q. Richmond, Virginia? A. Yes, sir.

Q. Living there now? A. Yes, sir.

Q. Did her husband come with her in the spring or summer of 1898? A. No, sir.

Q. He was out there at home? A. Yes, sir.

Q. About how long did she remain at that time? A. I don't remember.

Q. Well, it was during the summer some two or three months? A. No, I don't think she was there that long.

Q. Shorter than that? A. Yes, I don't she was there quite a month.

Q. Was your brother Lewis E. Murrell ever here except in the summer of 1898? A. No, sir.

Q. He was born after those first trips to the Indian Territory? A. Yes, sir.

Q. Where was he born? A. Virginia. Lynchburg.

Q. He lives in Louisiana now? A. One of his homes; yes.

Q. I believe you gave his present post office that? A. Present post office that.

Q. You stated the only trip he made here was 1898? A. 1898.

Q. Along with his sister? A. I believe they came together. I couldn't be positive.

Q. Do you know how long he remained? A. No, sir; I don't.

Q. About the same length of time as his sister? A. No, sir.

Q. You were here with them, on that trip? A. I was here.

Q. You were here when they came? A. Yes, sir.

Q. Where did your father die? A. Died in New Orleans, Louisiana.

Q. When? A. 30th of March, 1895--1894.

Q. It was 1894 or 1895? A. Yes, sir.

Q. Is your mother living? A. No, sir.

Q. When did she die? A. Died the 7th of December 2 years after that. 1896.

Q. Did she die in Louisiana? A. No, it couldn't have been 1896. We were here in 1898. She died in December, 1898.

Q. Where did she die? A. Died at Bayou Goula, Louisiana.

Q. Your father and mother never lived here after the war, I understand? A. Not continuously. They considered it one of their homes.

Q. Were they ever here except with the children on the trips you mentioned? A. No, sir. 1867, 9 and 71, I believe.

Q. Your mother was here in 1898? A. Yes, sir. During that period the children were at school; afterwards their health was such father couldn't come out.

Q. What was your father's business in Louisiana? A. Sugar planter.

Q. Did he own the plantation? A. Had an interest in it, yes.

Q. Where did your younger brother marry? A. Natchez, Mississippi.

Examination by Mr/ Hastings.

Q. You were born here? A. I was born here. So they tell me.

Q. Your first memory is in the Indian Territory? A. No, sir; my first recollection is back in Pennsylvania.

Examination by the Commission.

Q. What name did your sister Mrs. Hughes bear in 1896? A. She was an Alexander at that time.

Q. Do you know whether or not she was enrolled in 1896? A/ Yes, sir; I think her name is on the list.

Q. When was she married to Mr. Hughes? Was it before 1896 or after 1896? I don't care for the exact date. Just the year.
A. About 1896. She was married 6 years and her husband died.

There is filed in the case of George Ross Murrell, D-1346, a certificate showing that Fannie E. Alexander, nee Murrell, received her proportionate share of the Cherokee strip payment by an act of the council approved November 27th, 1894.

It further appears that Rosa E. Chambers, nee Murrell, and her son William A. Chambers, also received their proportionate share of the Cherokee strip payment by the same act of the council.

And it also appears that the applicant's brother, Lewis E. Murrell, received his proportionate share of the Cherokee strip payment by an act of the council approved December 8th, 1894.

The applicant's sister, Rosa E. Chambers, and her child, William A. Chambers, are identified on the census roll of 1896 in Tahlequah district, on page 1155, numbers 690 and 691 respectively.

Lewis E. Murrell is identified on the census roll of 1896 in Tahlequah district, page 1214, #2281.

1896 census roll examined and Fannie E. Hughes and her children George E. M. Alexander and Geanne McDonald Alexander are not identified thereon.

It appears from the records of the Cherokee nation that Fannie E. Murrell, Rossanna E. Murrell and Lewis Edward Murrell were admitted to citizenship in the Cherokee nation by the Cherokee Commission on Citizenship on the 26th day of August, 1887. The act admitting them to citizenship appears on page 171 of Book "B", records of the Cherokee Commission on Citizenship, and reads as follows:

AMANDA R. MURRELL.

Office Commission on Citizenship
Tahlequah, C.N., Sept. 8th, 1887.

| Docket No. | Names. | Age | Sex | Post Office | Atty. |
|------------|------------------------|-----|--------|--|--------------|
| | 1 Amanda R. Murrell | 38 | female | Lynchburg, Va. | |
| | 2 George Ross Murrell | 36 | male | | |
| | 3 Fanny E. Murrell | 33 | female | | |
| | 4 Rosanna E. Murrell | 29 | " | | |
| 458 | 5 Lewis Edward Murrell | 13 | male | | Wm. P. Ross. |
| | | | | Application for
Cherokee Citizenship. | |
| | | | | Rolls 1835 | |
| | (vs) | | | Ancestor | |
| | Cherokee Nation. | | | Lewis Ross. | |

Now on this the 26th day of August, 1887, comes the above case for final hearing and the above named parties having made application pursuant to the provisions of the National Council approved December 8th, 1887, and all the evidences having been duly considered and found to be sufficient and satisfactory to the Commission, it is adjudged and determined by the Commission that Amanda R. Murrell, Geo. Ross Murrell, Fanny E. Murrell, Rosanna E. Murrell and Lewis Edward Murrell are Cherokees by blood and are hereby readmitted to all rights, privileges and immunities of Cherokees by blood.

And a certificate of said decision of the Commission and of re-admission was made and furnished said parties accordingly.

Henry Riffert

Clk Comm.

J. T. Adair Chairman Commission.

John H. Gentry Commissioner

D. W. Lipe Commissioner

Joshua Ross, being duly sworn, testified as follows:

Examination by John R. Thomas.

- Q. State your name? A. Joshua Ross.
Q. What is your age? A. 69.
Q. Your residence? A. Muskogee.
Q. What is your citizenship? A. Cherokee.
Q. Cherokee by blood? A. Yes, sir.
Q. What relation do you bear to the applicants in this case.
A. Their mother was a cousin of mine.
Q. Are you acquainted with these applicants? A. I am.
Q. What are they? A. They are Cherokees.
Q. By blood? A. Yes, sir.
Q. Are you acquainted with their father and mother? A. I was.
Q. What were they? A. Well, the father was a white man, adopted Cherokee, and mother a Cherokee by blood.
Q. What was her name? A. Amanda Ross.
Q. She was the daughter of---- A. Lewis Ross.
Q. Was he a Cherokee? A. Lewis Ross--white man.
Q. Were you present at the marriage? A. Of George M. Murrell and Amanda Ross--I was.
Q. Where were they married? A. I think it was about March 27th, 1856.
Q. Where; at whose residence? A. At the residence of Lewis Ross.
Q. By whom were they married? A. Rev. Ewing, a Methodist preacher.
Q. Did you know them after they were married? A. Yes, sir.
Q. Did they live together as husband and wife? A. Yes, sir.
Q. So held and esteemed in the community in which they lived?
A. Yes, sir.
Q. Do you remember of George Ross Murrell and his sister Fannie E. Murrell and the other sister Rosa Chambers and the son Lewis Edward Murrell being here in the Cherokee nation in 1898, together with their mother? A. Yes, sir. Fannie wasn't here but the other three were here.
Q. You mean new Mrs. Hughes? A. Mrs. Hughes wasn't here.
Q. Were the other members of the family here? A. Yes, sir.
Q. Are you acquainted with their home in the Cherokee nation?
A. I am; I was raised there.
Q. With whom? A. George M. Murrell.
Q. The father of these applicants? A. Yes, sir.
Q. Has that property remained in the family until the present time? A. Yes, sir.
Q. How long has it been the home of the family? A. 60 years.
Q. Do you know of their having any improvements on the land, household furniture and library and the stock on the farm, cattle?
A. Yes, sir.

Examination by W. W. Hastings.

- Q. How long were they here in 1898, Mr. Ross? A. I don't remember exactly. They were here in the summer I know.
Q. About how long did they remain? A. They remained all the summer. I think they came in June and remained until about October.
Q. Where did they come from? A. Come from Louisiana--Ross and the mother came from Louisiana, Rosa Chambers came from Virginia.
Q. Where do these children live now? A. Fannie Hughes lives in Richmond, Virginia.
Q. Where is the young man? A. He is down at Bayou Goula, Louisiana.
Q. Has either of them ever lived here since their birth?
A. Well, they have been back here to spend the summer here.
Q. You heard Mr. Ross Murrell's statement that those who were born were here about in the summer of 1867 and 1869, perhaps 1871 and part of them back here for a short time in the summer of 1898. Was his statement with reference to the trips to the Indian Territory correct? A. Yes, sir; I think they were. They came here I think in 1868 or 1866.

Q. Since their admission to citizenship in the year 1887 they have not been here with the exception of in the summer of 1898, since 1887? A. I don't know whether they were. I know they were here in 1898, when he stated.

Q. Mrs. Hughes wasn't here herself at that time? A. No, not that time.

Q. She has never been here since 1887? A. No, sir; not since 1887.

Q. Was Mrs. Chambers child with her here in 1898? A. No, sir.

Q. Was Lewis E. Murrell's wife with him in 1898? A. No, sir.

Examination by John R. Thomas.

Q. You stated something in your testimony yesterday in the case of George Ross Murrell about having these children readmitted and their names put on the census roll of 1896. A. Yes, sir.

Q. Will you just state now the facts of that? About how you come to have them put on; how they were put on.

A. Well, Ross Murrell was out here and he had to leave and I went up and offered to have their names put on the census roll and the census taker-----

Q. Who was that? A. I think it was Cale Starr. He didn't do it and I went before the council and pressed their claims ~~and~~ there and they were put on the special roll.

Q. And they were duly enrolled? A. Yes, sir; that is my impression and that is what I was informed.

Examination by W. W. Hastings.

Q. Was the Cherokee roll of 1896 authenticated by the national council? A. I don't know. I suppose it was.

Q. Don't you know that it wasn't? A. Well, I don't know. I simply put in their claim there and know they were adopted.

Q. Don't you know that the Cherokee national council refused to authenticate the 1896 roll? A. No, sir; I don't know.

Q. Have you ever been so advised? A. No, sir. I know I put it in there.

Q. I want to know whether the 1896 roll as a whole was authenticated by the national council. A. I don't know.

Q. You never was advised one way or the other upon that?

A. No, sir; I don't know. Simply--I know I passed those names there.

Q. That was before a committee? A. Yes, sir. A member of the council told me they put them down.

Q. Was that before a committee? A. Yes, sir.

Q. In 1896? A. Yes, sir.

Q. It was before a committee, wasn't it? A. Yes, sir.

Q. As I understood it, the committee acted upon it; but did the entire national council pass any bill authenticating it?

A. I don't know.

Robert B. Ross, being duly sworn, testified as follows:

Q. What is your residence? A. Park Hill.

Q. What is your citizenship? A. Cherokee by blood.

Q. Are you acquainted with the applicants? A. I am only acquainted with two of them personally. The two girls, I saw them when they were here but wouldn't recognize them to-day.

Q. When they were here in the Cherokee nation for the family?

A. Yes, sir.

Q. Are they kin people of yours? A. Yes, sir.

Q. What relation are you to their mother? A. Third cousin to their mother.

Q. Do you know what they are by blood? A. Cherokee. Cherokee by blood.

Q. Was you acquainted with their family? A. Yes, sir.

Q. To what nation did their family belong and were they recognized as citizens? A. Well, Mrs. Murrell was the daughter of Lewis Murrell--Lewis Ross, rather-- and Lewis Ross is a brother of John Ross, the Chief.

Q. These are children--- A. Children of Amanda Murrell.
 Q. Do you remember about the marriage of Mr. Murrell and Amanda Ross? A. Not sufficient to give testimony.
 Q. Who owns the place upon which you live? A. Well, it belongs to the Murrell heirs.
 Q. The applicants in this case and George Ross Murrell? A. Yes, sir.
 Q. You are their tenant? A. Yes, sir.
 Q. Do you regard them as the owners of the property? A. Yes, sir.
 Q. What else do they own besides the improvement on the land?
 A. Household furniture, beds, bedding, library--necessary things to furnish a house with.
 Q. Dining room furniture? A. Dining room furniture.
 Q. Any stock on the farm? A. Yes, sir.
 Q. How many, about? A. Something over 30 head, I couldn't say.
 Q. These cattle, are they descendants of cattle that have been there for years? A. Yes, sir; kept up by the original brand used before the war.
 Q. Still marked and branded in the Murrell brand? A. Yes, sir.

By Mr. Thomas:

I ask to have this case consolidated with the case of George Ross Murrell. I ask leave to file certificates of the marriage of Fannie E. Hughes and her husband now, as well as her marriage to her husband Alexander; certificate of the marriage of Rosa E. Murrell to William R. Chambers, and certificate of the marriage of Lewis Murrell to his wife Mary Conner, together with such other proof as we may have and ask 30 days in which to file proof in the case.

By the Commission:

George R. Murrell applies for the enrollment of his sister, Fannie E. Hughes, and her two children George M. M. Alexander and Geanne McDonald Alexander; his sister Rosa E. Chambers and child William A. Chambers, and his brother Lewis E. Murrell and his two children George M. Murrell and Richard C. Murrell, as citizens by blood of the Cherokee nation.

It appears from the testimony in this case that the principal applicants were all admitted to citizenship by the Cherokee Commission on Citizenship and that the three principal applicants participated in the Cherokee strip payment of 1894.

It further appears that Fannie E. Hughes and her children are identified on the census roll of 1896. Rosa E. Chambers and her child William A. Chambers are identified on the roll of 1896 and Lewis E. Murrell is also identified on said roll.

It will be necessary that the applicants furnish the Commission duly executed affidavits as to the births of George M. M. Alexander and Geanne McDonald Alexander; also as to the births of George M. Murrell and Richard C. Murrell.

Final judgment as to the application will be suspended and the names of all the applicants will be placed on the doubtful card of George R. Murrell, the same being number D-1346.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ... day of July, 1902.

Deal

Jesse O. Carr
Notary Public

CHEROKEES BY BLOOD AND ADOPTION

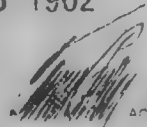
Name George R. Murrell Date June 24 1908
 District Wahlequah Year 1894 Page 1214 No. 2280
 Citizen by blood yes Mother's citizenship Lewis Ross C. W. Sal.
 Intermarried citizen no Amanda R Murrell - d S. Sal.
 Married under what law _____ Date of marriage _____
 License _____ Certificate Geo. M. Murrell H. W. Sal.
 Wife's name _____
 District _____ Year _____ Page _____ No. _____
 Citizen by blood _____ Mother's citizenship _____
 Intermarried citizen _____
 Married under what law _____ Date of marriage Margaret L. Murrell
 License _____ Certificate _____

Names of Children: Sarah L. Murrell
 Dist. _____ Year _____ Page _____ No. _____ Age 19 mo.
 Dist. _____ Year _____ Page _____ No. _____ Age _____
 Dist. _____ Year _____ Page _____ No. _____ Age _____
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Represented by Judge John R. Thomas.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 25 1902


ACTING CHIEF

CHEROKEES BY BLOOD AND ADOPTION.

Date June 26, 1902 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Rosa E. Chambers, Richmond, Va.

District Chahleguah Year 1896 Page 1155 No. 690

Citizen by blood yes Mother's citizenship Geo M. Murrell - d - w

Intermarried citizen no Amanda R d - c

Married under what law Date of marriage

License Certificate William A. Chambers

Names of Children:

William A. Chambers Chah Year 1896 Page 1155 No. 691 Age 9

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Stor on as well as William Alexander

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 25 1902

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ACTING COM.

Name Miss E. H. Murrell, Bayou La Bata, La. Date June 26, 1907 1907.
 District Tahlequah Year 1896 Page 1214 No. 2281
 Citizen by blood yes 1328 Mother's citizenship Geo. H. Murrell - d - w
 Intermarried citizen no Amanda R. " d - c

District San Joaquin Year 1990 Page 1214 No. 2281

Citizen by blood yes Mother's citizenship yes

Intermarried citizen Chm Amundal N " d-c

Married under what law Date of marriage

License **Certificate**

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood Mother's citizenship.

Intermarried citizen

Married under what law Date of marriage.....

License Certificate Harold Miller

Names of Children :

Names of Children:

| | | | | | |
|-------------------|-------|------|------|-----|-------|
| George H. Russell | Dist. | Year | Page | No. | Age 4 |
| Richard E. | Dist. | Year | Page | No. | Age 2 |

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

| Dist. | Year | Page | No. | Age |
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| 1 | 1900 | 1 | 1 | 1 |
| 2 | 1901 | 2 | 2 | 2 |
| 3 | 1902 | 3 | 3 | 3 |
| 4 | 1903 | 4 | 4 | 4 |
| 5 | 1904 | 5 | 5 | 5 |
| 6 | 1905 | 6 | 6 | 6 |
| 7 | 1906 | 7 | 7 | 7 |
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| 80 | 1979 | 80 | 80 | 80 |
| 81 | 1980 | 81 | 81 | 81 |
| 82 | 1981 | 82 | 82 | 82 |
| 83 | 1982 | 83 | 83 | 83 |
| 84</ | | | | |

Dist. _____ Year _____ Page _____ No. _____ Age _____

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 25 1902

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CHEROKEES BY BLOOD AND ADOPTION

Date

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Year

Page

No. 67

Age

18

Year

Page

No.

Age

10

Dist.

Year

Page

No.

Age

Dist.

Year

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George R. and Sarah G. Murrell, Fannie E. Hughes, George M. M. and Geanne McD Alexander, Rosa E. and William A. Chambers, Lewis E., George M. and Richard G. Murrell, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on June 24, 1902, George R. Murrell appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself and his minor child, Sarah G. Murrell, as citizens by blood of the Cherokee Nation; that on June 26, 1902, the said George R. Murrell appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Fannie E. Hughes and her two minor children, George M. M. and Geanne McD Alexander, as citizens by blood of the Cherokee Nation; for the enrollment of Rosa E. Chambers and her minor child, William A. Chambers, as citizens by blood of the Cherokee Nation, and for the enrollment of Lewis E. Murrell and his two minor children, George M. and Richard G. Murrell, as citizens by blood of the Cherokee Nation.

The evidence shows that all the applicants herein are Cherokees by blood. The said George R. Murrell, Fannie E. Hughes, Rosa E. Chambers and Lewis E. Murrell were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on August 26, 1887. The said George R. Murrell, Rosa E. Chambers, William A. Chambers and Lewis E. Murrell are identified on the Cherokee census roll of 1896. The said Sarah G. Murrell, who is shown to be the minor child of the said George R. Murrell; the said George M. M. Alexander, who is shown to be the minor child of the said Fannie E. Hughes, and the said George M. Murrell and Richard G. Murrell, who are shown to be the minor children of the said Lewis E. Murrell, are identified by birth affidavits on file with this Commission. The said Geanne McD Alexander is shown to be the minor child of the said Fannie E. Hughes, and the said William A. Chambers is shown to be the minor child of the said Rosa E. Chambers.

The evidence further shows that none of the applicants who were admitted to citizenship have resided in the Cherokee Nation or Indian Territory since August 26, 1887, and that none of the minor children herein applied for have ever resided in said Nation or Territory.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the ap-

petition for the enrollment of George E. Murrell, Sarah G. Murrell, Fannie E. Murrell, George E. M. Alexander, George McD. Alexander, Ross E. Chambers, William A. Chambers, Lewis E. Murrell, George E. Murrell and Richard G. Murrell, as citizens by blood of the Cherokee Nation should be denied, under the provisions of the Act of Congress above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this NOV 20 1902

113416

RECEIVED
COMMISSION TO THE
FILED
JUL 25 1902

ACTING CHAIRMAN

Certificate of Marriage.

State of Mississippi: }
Warren County. }

I, J. W. Collier, Clerk of the Circuit Court
of said County and custodian of the Marriage records
thereof, do hereby certify that the said Marriage
records show that on the 25th day of January ¹⁸⁹⁹ ~~1902~~

The Rites of Matrimony

Were celebrated between

Mr. George Ross Russell

and

Miss Margaret Gwin

By Rev. Howell Logan

Given under my hand and the Seal of said Court,
this 18th day of July 1902.

J. W. Collier Clerk

By Frank Guscior D.C.



X1346

MARRIAGE LICENSE
AND CERTIFICATE.



James E. Colburn

AND

Mary Colburn

Issued June 23rd 1918

Married " 26th 1918

Registered " 29th 1918

on Page 173 of Marriage License,

Book 11.

Alfred B. Bowie

Clerk.

D. C.

STATE OF MISSISSIPPI, } ss.
County of Adams.

I, ALLEN T. BOWIE, Clerk of the Circuit Court in and for the county aforesaid, do hereby certify the foregoing to be a true and perfect copy of the Marriage Record in book W page 173 as the same appears of record and on file in my office.

Witness my hand and the seal of office, this 22nd day of

July

A. D. 190 2

Allen T. Bowie Circuit Clerk.

By Deputy.

THE
STATE OF



MISSISSIPPI

AND COUNTY OF ADAMS

To any Person lawfully
authorized to celebrate the Rites of
MATRIMONY

You are hereby Licensed to celebrate the
RITEs OF MATRIMONY
BETWEEN

Louis E. Murrell

and

Mary Louner

and for this shall be your Warrant.

Given under my hand and official seal this
2nd day of *June* in the
year of our Lord one thousand ~~nine~~ *eight* hundred and
ninety five

Louis J. Winston Clerk.

Ed. H. Williamson D.C.

State of Mississippi.

ADAMS County.

By virtue of a License from
the Clerk of the Circuit Court of said County of Adams
I have this day

CELEBRATED THE
RITEs OF MATRIMONY
BETWEEN

Louis E. Murrell

and

Mary Louner

Given under my hand and seal this 26th day of *June* 1895

(sgd) *W. H. Neel*

226

See 507

JUL 16 1902

James M. Alexander,

and J. Freeman
Cody Manager

J. Henry Hughes

101346

MARRIAGE * LICENSE



Virginia, City of Lynchburg, to wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State
of Matrimony, according to the rites and ceremonies of your Church, or
religious denomination, and the laws of the Commonwealth of Virginia,

James Emory Hughes,

and Fannie Murrell Alexander

Given under my hand, as Clerk of the Corporation Court
of Lynchburg, this 11th day of February 1896

S. W. Wingfield Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE AFFIXED TO THE LICENSE BY CLERK OF THE CIRCUIT COURT OF THE COUNTY OF VIRGINIA.

Time of Marriage, 1896 Feby. 12th
Place of Marriage, Lynchburg Va.
Full Names of Parties Married, James Emory Hughes
and Fannie Murrell Alexander
Color, white
Age of Husband, Twenty-seven years
Age of Wife, Twenty-nine years
Condition of Husband (widowed or single), Single
Condition of Wife (widowed or single), widowed
Place of Husband's Birth, Campbell Co Va.
Place of Wife's Birth, " "
Place of Husband's Residence, Lynchburg Va.
Place of Wife's Residence, "
Names of Husband's Parents, Jas. E. and Dorothy
Hughes
Names of Wife's Parents, Geo. M. and Amanda
Murrell
Occupation of Husband, Lawyer

Given under my hand this 11th day of February 1896
S. Wingfield Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 12 day of February 1896
at St. Paul's Church Lynchburg I united in Marriage the
above-named and described parties, under authority of the annexed License.

J. M. Carson

The Minister celebrating a marriage, is required, within TEN days thereafter, to return the license to the Office of the Clerk who issued the same,
with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

A Copy - test,

M. Taylor Deputy for Thos. Davis Clerk,
1902 June 30th.

MARRIAGE * LICENSE



Virginia, *Campbell County* to wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State
of Matrimony, according to the rites and ceremonies of your Church, or
religious denomination, and the laws of the Commonwealth of Virginia,

Mr. Frank Alexander

and *Miss Fannie Elizabeth Munroe*

Given under my hand, as Clerk of the *Campbell* Court
of *Campbell* this *fifth* day of *October* 1887

R. W. Withers Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 3, 1900.

Time of Marriage, *October 5th 1887*
 Place of Marriage, *Campbell County Va*
 Full Names of Parties Married, *Frank*
Murphy & F. E. Murrell
 Color, *white*
 Age of Husband, *35 years*
 Age of Wife, *28*
 Condition of Husband (widowed or single or divorced) *Single*
 Condition of Wife (widowed or single or divorced) *Single*
 Place of Husband's Birth, *Augusta Co Va*
 Place of Wife's Birth, *Lyndburg, Va*
 Place of Husband's Residence, *Staunton Va*
 Place of Wife's Residence, *Campbell Co Va*
 Names of Husband's Parents, *Wm J. Murrell*
 Names of Wife's Parents, *Geo. M. and*
Annanta R. Murrell
 Occupation of Husband, *Hardware Merchant*

Given under my hand this *fifth* day of *October* 19*1887*
Roll Withers, Clerk.

Certificate of Time and Place of Marriage.

I, _____, a _____ of the _____
 Church, or religious order of that name, do certify that on the *fifth* day of
October 1887 *19*, at *Staunton, Campbell Co Va*, under authority of the above
 License, I united in Marriage the persons named and described therein.

Given under my hand this _____ day of _____ 19____.

T. M. Pearson

The Minister celebrating a marriage is required, within two months thereafter, to return the License to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

A Copy, Test, S. C. Sloggin, Clerk.

EXHIBIT
COMMISSION TO THE FIVE
1911
JULY 1911

AMANDA R. MURRELL.

Office of Commission on Citizenship

Tahlequah, C.N. Sept. 5th, 1887.

| Docket. | No. | Names. | Age. | Sex. | Post Office. | Atty. |
|---------|-----|-----------------------|------|---------|-------------------------------|--------------|
| 458. | 1. | Amanda R. Murrell, | 58. | Female. | Lynchburg, Va. | Wm. P. Ross. |
| | 2. | George Ross Murrell, | 25. | Male. | | |
| | 3. | Fanny E. Murrell, | 23. | Female. | | |
| | 4. | Resanna E. Murrell, | 20. | .. | | |
| | 5. | Lewis Edward Murrell, | 13. | Male | | |
| | | Vs. | | | Applicant for
citizenship, | |
| | | | | | Rolls, 1835, | |
| | | Cherokee Nation, | | | Ancestor, Lewis Ross. | |

Now on this the 26th, day of August, 1887, comes the above case for final hearing, and the above named parties having made application pursuant to the provisions of the National Council Approved December 8th, 1887, and all the evidence having been duly considered and found to be sufficient and satisfactory to the Commission that Amanda R. Murrell, Geo. Ross Murrell, Fanny E. Murrell, Resanna E. Murrell and Lewis Edward Murrell are Cherokees by blood and are hereby readmitted to all the rights and privileges and immunities of Cherokees by blood. And a certificate of said decision of the Commission and of readmission was made and furnished said parties accordingly.

Henry Eiffert,
Clerk of Com.

J. T. Adair, Chairman Commission
John E. Gunter, Commissioner,
D. W. Lipe, Commissioner,

Executive Department,

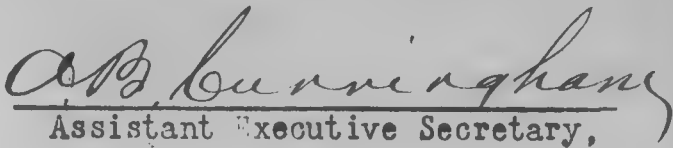
Cherokee Nation,

Tahlequah, Ind. Terr.

March, 2nd, 1901.

I, A.B. Cunningham assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing page of type written matter is a true and correct transcript of page 171, of the Citizenship Docket, "B", used by the John T. Adair Citizenship Court for the year of 1887, Said Docket now being a part of the records of this office.

In testimony whereof, I hereunto set my hand and affix the seal of the Cherokee Nation the year and day above written.


Assistant Executive Secretary,

Cherokee Nation.

An Act making an appropriation for the benefit of persons, residents of Tahlequah District, omitted from the pay rolls, and from participating in the distribution of the Strip Funds of the recent per-capita payment.

Be It Enacted By The National Council:

That there be and is hereby appropriated, out of any money belonging either to the Strip or General Fund, not otherwise appropriated, the sum of Two Hundred and Sixty Five Dollars and Seventy Cents, for the benefit of each of the persons herein, respectively named, and the Treasurer is hereby authorized to pay the same on the Warrant of the Principal, Chief who is hereby directed to issue his preferred warrants accordingly. To Wit:

X X

X X

X X

42, Amanda R. Murrell, -----\$265.70
42, Ed Lewis Murrell, ----- 265.70
43, Geo. Ross Murrell, -----265.70

Passed the Senate Dec, 6th, 1894.

J.C. Starr,
Clerk of Senate.

Richard M. Wolf,
President of Senate.

Concurred by Council Dec, 8th, 1894, with the following amendments,
add the following names;

X X

X X

X X

J.H. Diok,
Clerk of Council.

V. Gray,
Speaker of Council, Pro-tem.

Amendment concurred in by ~~XXXXXX~~ the Senate

Dec. 8th, 1894.

C.W. Wiley,
Clk. of Senate.

Richard M. Wolf,
President of Senate.

APPROVED:-

Dec. 8th, 1894.

C.J. Harris, Principal Chief
C.N.

Executive Department,

Cherokee Nation,

Tahlequah, Ind. Ter.

March, 7th, 1901.

I, A.B. Cunningham, assistant Executive Secretary of the Cherokee Nation, do hereby certify that the foregoing ^{is} a true copy of that part of an act of the National Council approved by the Principal Chief December 8th, 1894, making an appropriation for per-capita out of the strip fund or any other money in the treasury not otherwise appropriated in favor of Amanda R. Murrell, Ed Lewis Murrell and Geo. Ross Murrell,

In testimony whereof, I hereunto set my hand and affix the seal of the Cherokee Nation the year and day first above written.

A. B. Cunningham
Assistant Executive Secretary. C. N.

SERIES B.

(ACT OF NOVEMBER 5TH, 1892.)

No.

330

Cherokee Nation, Callegash District.

Permission is hereby granted to W. M. Murrell a citizen
of the Cherokee Nation, to employ Samuel Mages as a
Co. arm. for the term of Three Months from this date.

"No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office, this the 18th day of Sept 1892.

T. W. Wright

Clerk

Callegash District.

Countersigned:

Treasurer Cherokee N.

SERIES B.

ACT OF NOVEMBER 5TH. 1892.

No.

No. _____

Immigration Station, San Francisco District.

Permission is hereby granted to _____ a citizen
of the United States, to employ _____ as a
Laborer for the term of _____ months from this date.

\$1.50

"No permit shall be issued for a longer period than Dec. 31st of the year 1901."

"No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office this the 1st day of March 1895

Clerk: John L. Ligon District.

unterschied:

Treasurer Cherokee Nation

SERIES C.

25
ACT OF NOVEMBER 27th, 1892.

No.

Cherokee Nation, Indian Territory District.

Permission is hereby granted to James G. Ginn a citizen
of the Cherokee Nation, to employ Dr. J. S. Mayes as a
Laborer for the term of Six Months from this date.

\$3.00

"No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office, this 1st day of Jan 1893.

Clerk

T. W. C. C. C.

Indian Territory District.

Countersigned:

SERIES A.

(ACT OF NOVEMBER 5TH, 1832.)

No.

1000

Cherokee Nation, Cherokee District.

Permission is hereby granted Wassimus a citizen
of the Cherokee Nation, to employ Wassimus as a
Wassimus for the term of One Month from this date.

"No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office, this the 1st day of Sept, 1832.

Clerk Cherokee District.

Countersigned:

Treasurer Cherokee Nation.

SERIES A.

(ACT OF NOVEMBER 5TH, 1832.)

No. 1000

Cherokee Nation, Cherokee District.

Permission is hereby granted Wassimus a citizen
of the Cherokee Nation, to employ Wassimus as a
Wassimus for the term of One Month from this date.

"No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office, this the 1st day of March, 1832.

Clerk Cherokee District.

Countersigned:

Treasurer Cherokee Nation.

SERIES B.

B. 72

Act of November 15, 1889

Tahlequah
Rosa Murrell
S. S. Mayes

Subm

\$1.50

"No permit shall be issued for a longer period than Dec. 31,
of the year in which the permit is issued."

1st Jan'y
S. S. Mayes
Tahlequah

E. E. Starr



PERMIT.

CHEROKEE NATION

Tahlequah DISTRICT.

Mr.

Rosa Murrell

a citizen of the Cherokee Nation, is hereby authorized

and permitted, in accordance with Section 2nd. of the "Act authorizing the District Clerks to issue PERMITS," Approved December 4th, 1879
and amended Dec. 1st, 1885 and Dec. 3rd, 1889, to employ

S. S. Mayes

this District for the term of

Four

months from this date; he having paid to me, in advance, the sum of

\$2.00

dollars, as follows—Cash \$ National Certificates \$ Given under my hand and seal of office, this the

Feb'y

1891

23^d

Renewed for 4 months Allen Ross
from date of expiration

W. L. Adams
OATH.

CLERK OF Tahlequah DISTRICT, C. N.

I do solemnly swear (or affirm) that I am a citizen of the United States, and that I have never made application before any Commission or
Court of the Cherokee Nation for citizenship in said Nation. That it is not on account of any criminal offense against the laws of the same, that I have
come to seek employment in this Nation. That within ten (10) days after the expiration of my permit, unless the same shall be renewed, I will remove
without the limits of this Nation.

Sworn to and subscribed before me this 23^d day of Feb'y 1891


S. S. Mayes

Allen Ross

73

J. P. R. Murrell.

Aranda



St. W. & K.

D-1346.

Treasury Department, Cherokee Nation.

Tahlequah, Ind. Ter., Feb. 16, 1898

This is to certify that the following named persons, Cherokees by blood, and recognized citizens of the Cherokee Nation, were enrolled by Acts of the National Council of dates of November 27 and December 8, 1894, and were each paid the sum of \$265.76 per capita as provided by said acts above mentioned, and that the following is a true transcript from said acts, agreeable to the official records of the Treasury Department of the Cherokee Nation:

| | | |
|------------------------------------|---|---------------------------|
| J. P. R. Murrell. |) | |
| Fannie M. Alexander, nee Murrell, |) | |
| Rosa Chambers, <u>Nee</u> Murrell, |) | Act of November 27, 1894. |
| James M. Alexander, |) | |
| Willie Chambers, |) | |

| | | |
|----------------------|---|--------------------------|
| Amanda R. Murrell | } | |
| Ed. Lewis Murrell, | | Act of December 8, 1894. |
| George Ross Murrell, | | |

under
Given--my hand and seal the day and year first above written.

SEAL

D. W. Lipe.
Treasurer, Cherokee Nation

Per Robt. B. Pope.

Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, August 22, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of George R. Murrell et al as citizens of the Cherokee Nation.


Commissioner.

Series B. Act of November 5th, 1892.
 No. 980. Cherokee Nation, Tahlequah District.
 Permission is hereby granted Ross Murrell a citizen of the Cherokee Nation, to employ Manuel Mayes as a Farmer for the term of Three Months from this date.
 "No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office, this the 1st day of Sept. 1893.

T. W. Triplet,
 Clerk Tahlequah District.

Countersigned: E. E. Starr,
 Treasurer Cherokee Nation.

SEAL

Series B. Act of November 5th, 1892.
 No. 61. Cherokee Nation, Tahlequah District.
 Permission is hereby granted Ross Murrell a citizen of the Cherokee Nation, to employ Tom Shear as a laborer for the term of Three Months from this date.
 "No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office, this the 1st day of Mch. 1893

T. W. Triplet,
 Clerk Tahlequah District.

Countersigned: E. E. Starr,
 Treasurer Cherokee Nation.

SEAL.

Series C. Act of November 25, 1892.
 No. 72. Cherokee Nation, Tahlequah District.
 Permission is hereby granted Ross Murrell a citizen of the Cherokee Nation to employ S. S. Mayes as a laborer for the term of Six Months from this date.
 "No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office, this the 1st day of Mch. 1893.

T. W. Triplet,
 Clerk Tahlequah District.

Countersigned: E. E. Starr,
 Treasurer Cherokee Nation.

SEAL.

Series A. Act of November 25, 1892.
 No. 100. Cherokee Nation, Tahlequah District.
 Permission is hereby granted Ross Murrell a citizen of the Cherokee Nation to employ Tom Shears as a laborer for the term of One Month from this date.
 "No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office, this the 1st day of Mch. 1893.

T. W. Triplet,
 Clerk Tahlequah District.

Countersigned: E. E. Starr,
 Treasurer Cherokee Nation.

SEAL.

Sworn to and subscribed before me this 23d day of Febry, 1891.

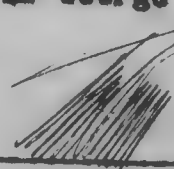
Allen Ross.

SHAL.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskegee, Indian Territory, August
23, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of George R. Murrell et al as citizens of the Cherokee Nation.



Commissioner.

Muskogee, Indian Territory, June 30, 1902.

Judge John R. Thomas,

Muskogee, Indian Territory,

Dear Sir:

Enclosed herewith please find a copy of the testimony taken at Muskogee, Indian Territory, June 24, 1902, in the matter of the application of George Ross Marrell for the enrollment of himself and child as members of the Cherokee tribe of Indians in Indian Territory.

Yours truly,

Commissioner in Charge.

Encl. B-87

Muskogee, Indian Territory, August 5, 1902.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

The affidavit heretofore received as to the birth of Jeanne McD. Alexander, is herewith returned to you and your attention is called to the fact that the notary before whom the attending physician executed his affidavit as to the birth of this child, failed to affix his notarial seal, also, neither the affidavit of the mother nor the attending physician, shows where same were executed.

You are requested to have this affidavit corrected in these particulars, and return to the Commission as soon as possible.

Yours truly,

Acting Chairman.

Encl. B-67.

Cherokee D-1346.

Muskogee, Indian Territory, November 24, 1902.

T The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of George R. Murrell for the enrollment of himself, his minor child Sarah G. Murrell, his sister Fannie E. Hughes, his nephew George M. M. Alexander, his niece Geanne McD. Alexander, his sister Rosa E. Chambers, his nephew William A. Chambers, his brother Lewis E. Murrell, and his two nephews George M. and Richard C. Murrell, as citizens by blood of the Cherokee nation, including the Commission's decision, dated November 20, 1902, rejecting said application.

Respectfully,

Tame Dixby

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc. H-116.

Copy

Cherokee D-1346.

Muskogee, Indian Territory, November 24, 1902.

Mr. John R. Thomas,

Attorney for George R. Murrell, et al,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings, of date June 26, 1902, in the matter of the application of George R. Murrell for the enrollment of himself, his minor child Sarah G. Murrell, his sister Fannie E. Hughes, his nephew George M. M. Alexander, his niece Geanne McD. Alexander, his sister Rosa E. Chambers, his nephew William A. Chambers, his brother Lewis E. Murrell, and his two nephews George M. and Richard C. Murrell, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated November 20, 1902, rejecting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

L. J. McCallister

Acting Chairman.

Enc. N-114.
Register.

Copy

Cherokee D-1346.

Muskogee, Indian Territory, November 24, 1902.

Mr. George R. Murrell,
Bayou Goula, Louisiana.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting your application for the enrollment of yourself, your minor child Sarah G. Murrell, your sister Fannie E. Hughes, your nephew George M. M. Alexander, your niece Geanne McD. Alexander, your sister Rosa E. Chambers, your nephew William A. Chambers, your brother Lewis E. Murrell, and your two nephews, George M. and Richard C. Murrell, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, John R. Thomas, Muskogee, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of proceedings of date June 26, 1902, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James H. Smith

Enc. H-113.
Register.

Acting Chairman.

Cherokee D-1346.

Muskogee, Indian Territory, November 24, 1902.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of George R. Murrell for the enrollment of himself, his minor child Sarah G. Murrell, his sister Fannie K. Hughes, his nephew George M. M. Alexander, his niece Geanne LeD. Alexander, his sister Rosa E. Chambers, his nephew William A. Chambers, his brother Lewis R. Murrell, and his two nephews George H. and Richard C. Murrell, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tame Dixby.

Acting Chairman.

Enc. H-115.

(Copy)

Refer in reply to the following:
land
70811--1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Dec. 23, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated November 24, 1902, forwarding the record relative to the application of George R. Murrell for the enrollment of himself, his minor child Sarah G. Murrell, his sister Fannie E. Hughes, his nephew George M. M. Alexander, His niece, Geanne McD. Alexander, his sister Rosa E. Chambers, his nephew William A. Chambers, his brother Lewis E. Murrell, and his two nephews George M. and Richard C. Murrell, as citizens by blood of the Cherokee Nation. Lewis E. Murrell is the father of George M. and Richard C. Murrell; Fannie E. Hughes is the mother of George M. M. and Geanne McD. Alexander; and Rosa E. Chambers is the mother of William A. Chambers.

November 20, 1902, the Commission held that these applicants were not entitled to enrollment.

The record in this case shows that the applicants are Cherokees by blood; that George R. Murrell, Fannie E. Hughes, Rosa E. Chambers and Lewis E. Murrell were admitted to citizenship in the Cherokee Nation August 26, 1897; that George R. Murrell, Rosa E. Chambers,

William A. Chambers and Lewis E. Murrell are identified by the Cherokee census roll of 1896; that Sarah G. Murrell, George M. M. Alexander and George and Richard C. Murrell are identified by birth affidavits.

The record in the case further shows that none of these applicants have resided in the Cherokee Nation or the Indian Territory. Under the provisions of section 21 of the Curtis Act the applicants are not entitled to enrollment, and the approval of the Commission's decision is recommended.

Very respectfully,

W. A. Jones,
Commissioner.

G.A.W. (S)

D.C. No. 1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

EAF.

ITD. 8031-1902.

January 16, 1903.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 24, 1902, you transmitted the record in the matter of the application of George R. Murrell for enrollment of himself and his minor child, Sarah G. Murrell; for the enrollment of Fannie E. Hughes and her minor children, George M.M. and Geanne McD Alexander; for enrollment of Rosa E. Chambers and her minor child, William A. Chambers; and for enrollment of Lewis E. Murrell and his minor children, George M. and Richard C. Murrell, as citizens by blood of the Cherokee Nation.

The evidence shows that the applicants are Cherokees by blood; that certain of the applicants were admitted to Cherokee citizenship in 1887 and are identified on the Cherokee census roll of 1896; that none of those so admitted has resided in Indian Territory since 1887, and that none of the minor children has ever resided therein. In accordance with section 21, act of June 28, 1898 (30 Stat., 495), you denied the application November 20, 1902.

Forwarding the papers December 23, 1902, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

1 inclosure.

Respectfully (signed) Thos. Ryan
Acting Secretary

COPI.

Cherokee D-1346

Muskogee, Indian Territory, January 29, 1903.

George R. Murrell,
Bayou Goula, Louisiana.

Dear Sir:-

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of yourself, your daughter, Sarah G. Murrell, your sisters, Fannie E. Hughes and Rosa M. Chambers, your brother, Lewis E. Murrell, your nephews, George M.M. Alexander, William A. Chambers and George M. and Richard C. Murrell, and your niece, Geanne McD. Alexander, as citizens by blood of the Cherokee Nation, was affirmed January 16, 1903.

Respectfully,

†
Acting Chairman.

COPY.

Cherokee D-1346

Muskogee, Indian Territory, January 29, 1903.

John E. Thomas,

Attorney for George R. Murrell et al.,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of George R. Murrell for the enrollment of himself, his daughter, Sarah G. Murrell, his sisters, Fannie E. Hughes and Rosa E. Chambers, his brother, Lewis E. Murrell, his nephews, George M. M. Alexander, William A. Chambers and George M. and Richard C. Murrell, and his niece, Geanne McD. Alexander, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 16, 1903.

Respectfully,

Acting Chairman.

Cherokee D-1346

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of George R. Murrell for the enrollment of himself, his daughter, Sarah G. Murrell, his sisters, Fannie E. Hughes and Rosa E. Chambers, his brother, Lewis E. Murrell, his nephews, George M. M. Alexander, William A. Chambers, and George M. and Richard C. Murrell, and his niece, Geanne McD. Alexander, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 16, 1903.

Respectfully,

James M. Smith
Acting Chairman.

(COPW)

JP

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

I.T.D. 8031-1902
7162-1903

April 6, 1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 16, 1903, the department affirmed your decision rejecting the application of George E. Murrell, for the enrollment of himself, his minor child Sarah G. Murrell, his sister Fannie E. Hughes, his nephew George M. M. Alexander, his niece Geanne McD. Alexander, his sister Rosa E. Chambers, his nephew William A. Chambers, his brother Lewis E. Murrell, and his two nephews George M. and Richard C. Murrell, as citizens by blood of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The Indian Office concurred in your suggestion, in its letter of October 7, 1903.

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, and his opinions of March 12, 1904, in the cases of Julia A. Moore et al., and Mary L. Strickland et al., the Department finds no reason to disturb its decision of January 16, 1903.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

(MFM)

Cher R 805.

Cher R 805

CHEROKEE

R 805

Mary Carroll

Refused 805

action approved by Secretary
of Interior May 7 - 1904

Transferred to Cherokee
10994

Transferred from Cherokee to
11350

Cher R 806

Cher R 806

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
WESTVILLE, I. T., JULY 16, 1900.

In the matter of the application of John Reddin, et al., for enrollment as Cherokee citizens, said Reddin being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A John Reddin.
Q Your age? A 46.
Q Postoffice address? A Westville.
Q Where do you live? A Goingsnake district.
Q How long have you lived there? A Ever since '69.
Q Lived there continuously since '69? A Yes.
Q Whom do you apply for? A Myawld and family except my wife. She's dead.
Q Do you make application as a Cherokee by blood? A No sir, adopted.
Q Are you upon the roll of '80? A Yes sir.
On '80 roll page 465, number 1357.
On '96 roll page 827, number 165.
Q Are you married? A Well I have been -- am not now.
Q What was your wife's name? A Salina Emiline Paris.
Q Have you a certificate of marriage? A No sir, I am on the '80 roll.
Q When did your wife die? A Three years ago last March.
Q Is she upon the roll of '80? A Yes.
On '80 roll, page 465, number 1358.
On '96 roll, page 785, number 1815, Goingsnake district.
Q What proportion of Indian blood did she claim? A I think 1/16.
Q Have you any children at home with you? A One.
Q What is its name? A Louisa Myrtle, 17 years old.
Q Any other children? A No sir.
Q Does Louisa Myrtle Reddin live with you? A Yes.
Q Is she upon the roll of '96? A Yes.
On '96 roll, page 785, number 1816.
The name of John Reddin appearing upon the authenticated roll of 1880, sufficient proof being made as to his residence, and proof that he was married to Salina Emiline Paris, she being upon the roll of 1880 as citizen by blood, and that she is now deceased, said John Reddin is admitted to citizenship as a citizen by intermarriage and his name will be placed upon the rolls now being made by this Commission, and his daughter, Louisa Myrtle, being found upon the rolls of '96, and satisfactory proof being made of her residence, she will be admitted to citizenship in the Cherokee Nation, both of said parties being identified upon the rolls of '96 and the roll of '80 according to page and number as indicated in the testimony.

Brown McDonald, being sworn by Commissioner Needles, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald.

Subscribed and sworn to before me this 17th day of July, 1900, at Westville, I. T.

T. B. Needles,
Commissioner.

Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to #666 of the Compiled Laws of the Cherokee Nation of 1892.

-----0-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 8th day of October, 1901.

T. B. Needles,
Commissioner.

-----0-----

I, George R. Smith, being duly sworn, states that as stenographer to the Five Civilized Tribes, I copied the foregoing testimony, and that the same is a true and correct copy from the original.

George R. Smith

Subscribed and sworn to before me this the 25th day February, 1903.

Samuel Foreman
Notary Public.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date July 16 1900.

Name #1 John Redden, Westville, I. T.

District Going Snake Year 1880 Page 465 No. 1357

Citizen by blood Mother's citizenship

Intermarried citizen Yes.

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

| | Dist. | Year | Page | No. | Age |
|---------------------|-------|------|------|------|-----|
| | | | | | |
| | | | | | |
| #2 Louisa M. Redden | G. S. | 1896 | 785 | 1816 | 7 |
| | | | | | |
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| | | | | | |
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#1 on 1896 Roll as John Reden.

#1 " " " " Louisa M. Reden.

Card #226

(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 8, 1901.

In the matter of the application of Mamie Foreman for enrollment as a Cherokee by intermarriage.

In the matter of the application of John Redden for enrollment as a Cherokee by intermarriage.

Testimony introduced by the Cherokee Nation.

Appearances:

Applicant not present or represented;

W. W. Hastings and J. L. Baugh, Cherokee Representatives.

GEORGE GIBSON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: Wat is your name? A George Gibson.

Q What is your age? A I am over 70.

Q What is your postoffice? A Westville.

Q Indian Territory? A Yes, sir.

Q You are a citizen of the United States, I believe? A Yes, sir.

Q Do you know John Redden, who lives near Westville, in the

Indian Territory? A Yes, sir, I know Mr. Redden.

Q How long have you known Mr. Redden? A Oh, since he was a small boy, I can't tell you how many years.

Q He married a Cherokee citizen? A Yes, sir, he married two Cherokees.

Q His first wife dead? A That is my understanding.

Q Well, has he married within the last year or so? A Yes, sir.

Q Who did he marry? A He married a Widow Foreman the last time.

Q Whose widow was she? A Charley Foreman's.

Q What is her postoffice? A Westville, I suppose, would be her postoffice, she lives near Westville.

Q You know whether she is a white woman or a Cherokee by blood.

A I supposed she was a white woman, Mr. Redden says she is.

Q Now tell the Commission any instructions Mr. Redden gave you when he heard you were coming down here? A A Week last Saturday he found out I was coming down here, he asked me to say to the Commission that he wife was in a delicate condition and he couldn't leave her, and neither could come; he also said that if it was a question of his marrying a non citizen was concerned, he and his wife were both adopted citizens and they were legally married; said, state to the Commission that if it would be necessary to send the papers without his coming, he would make an affidavit and forward it that they were married, and also send a copy of the marriage license.

Q And he wanted you to tell the Commission that? A Yes, sir.

Q He learned you were coming here? A Yes, sir.

Q And he wanted to save the trip himself? A Yes, sir, he was in Westville the day I was summoned to come up here.

Q Do you know Charley Foreman's widow's first name? A No, sir, I don't.

Commissioner: Well now you know that John Redden has married Charley Foreman's widow? A I know he said he married, and I see them driving around together in a buggy together frequently.

Q John Redden was a widower? A Yes, sir.

Q He was a white man? A Yes, sir.

Q Mamie Foreman was a white woman? A Yes, sir, she is a white woman.

Commissioner: This testimony goes in the case No. 243, Mamie Foreman, and No. 226, John Redden, applicants for enrollment as Cherokees by intermarriage.

MARRIAGE LICENSE.

United States of America, }
INDIAN TERRITORY, } SS.
Northern District.

No. 2111

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. John Reden, of Westville, in the Indian Territory, aged 46 years, and Mrs. Mamie Foreman, of Westville, in the Indian Territory, aged 35 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 15th day of December 1900 A. D. 1900.

(S E A L)

Chas. A. Davidson.
Clerk of the U. S. Court.

By Herbert C. Smith Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, }
INDIAN TERRITORY, } SS.
Northern District.

I, Edmund Jones, a Minister of the Gospel, Do HEREBY CERTIFY, that on the 19 day of December, A. D. 1900, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 19 day of Dec. A. D. 1900.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book, Page.

Edmund Jones
A Minister of the Gospel.

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY, } SS.
Northern District. }

I, Charles A. Davidson, Clerk of the United States Court in the North-
ern District, Indian Territory, do hereby certify that the instrument hereto attached was
filed for record in my office the 4 day of Jan, 1901, at M.,
and duly recorded in Book J, Marriage Record, Page 443.

WITNESS my hand and seal of said Court at Muskogee, in said
Territory, this 19th day of Mch, A. D. 1901

Chas. A. Davidson Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T.,.....I

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of John Hedden, et al.

ascitizen..... of the Cherokee Nation.

Ella Mielenz

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

H.L.L.

In the matter of the application of John Redden for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his minor child, Louisa M. Redden, as a citizen by blood, of the Cherokee Nation.

D E C I S I O N .

--oOo--

The record in this case shows that on July 16, 1900, John Redden appeared before the Commission at Westville, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his minor child, Louisa M. Redden, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 8, 1901, and at Muskogee, Indian Territory, on February 12, 1902.

The evidence in this case shows that John Redden, a white man, was married prior to the year 1880, to Salina E. Paris, a native Cherokee, who is identified on the Cherokee authenticated tribal roll of 1880. The said wife of John Redden, Salina E. Redden, died in March 1897. It further appears from the evidence that John Redden since the death of his said wife married, on December 19, 1900, Mamie Foreman, a white woman. Louisa M. Redden is the daughter of John Redden and his former wife, Salina E. Redden. John Redden is identified on the Cherokee authenticated tribal roll of 1880, and on the Cherokee Census roll of 1896. His daughter, Louisa M. Redden, is identified on the Cherokee Census roll of 1896.

It further appears from the evidence that John Redden has lived continuously in the Cherokee Nation since the year 1869, and it is considered from the evidence that Louisa M. Redden has lived continuously in the Cherokee Nation from her birth.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or persons, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application of John Redden for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation should be denied, and that Louisa M. Redden should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Dated at Muskogee, Indian Territory,
this Nov. 20, 1902.

Tams Bixby,
Acting Chairman.
T. B. Needles,
Commissioner.
C. R. Breckinridge,
Commissioner.

(COPY)

Cherokee 226.

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of John Redden for the enrollment of himself as a citizen by intermarriage, and granting his application for the enrollment of his minor child, Louisa M. Redden, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby,

Acting Chairman.

Enclosure H. No. 32.

(COPY)

Cherokee 226.

Muskogee, Indian Territory, December 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John Redden for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his minor child, Louisa M. Redden, as a citizen by blood, of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application as to John Redden.

Respectfully,

Tams Bixby,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 138.

(COPY)

Cherokee 226.

Muskogee, Indian Territory, December 9, 1902.

John Reddin,
Westville, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your minor child, Louisa M. Redden, as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of yourself, and granting your application for the enrollment of your said child.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Acting Chairman.

Register.

Enclosure H. No. 137.

(COPY)

Cherokee 226.

Muskogee, Indian Territory, December 9, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of John Redden for the enrollment of himself as a citizen by intermarriage, and granting his application for the enrollment of his minor child, Louisa M. Redden, as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on November 20, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,
Acting Chairman.

(COPY)

Refer in reply
to the following:
Land
74/164-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 15, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of John Redden for the enrollment of himself by intermarriage and his minor child, Louisa M. Redden, by blood, as citizens of the Cherokee Nation.

The record evidence in this case shows that said John Redden, a white man, was married prior to the year 1880, to Salina E. Paris, a native Cherokee, who is identified on the Cherokee authenticated tribal roll of 1880; that she died in March 1897. It further appears that John Redden since the death of his said wife married on December 18, Mamie Foreman, a white woman.

Section 666 of the Compiled Laws of the Cherokee Nation, (1892), provides as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood;

in that case, all of his or her rights acquired under the provisions of this act shall cease."

The Commission decided that under this provision of the Cherokee law the application of said John Redden for the enrollment of himself should be denied, and the office concurs therein.

As to said daughter, Louisa Redden, she has always resided in the Cherokee Nation, is the offspring of his Cherokee wife, Salina E. Paris, and is identified on the Cherokee census roll of 1896.

The commission held by reason thereof that she is entitled to enrollment as a citizen of the Cherokee Nation, which decision the office approves and recommends that it be affirmed by the Department.

Very respectfully,

W. A. Jones,
Commissioner.

(W.C.B)

P.

(COPY)

D.C. No. 2079-1903.

EAF.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

ITD. 414-1903.

January 20, 1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 9, 1902, you transmitted the record in the matter of the application for enrollment of John Redden as a citizen by intermarriage, and of his minor child, Louisa M. Redden, as a citizen by blood, of the Cherokee Nation.

The evidence shows that John Redden, a white man, prior to 1880 married Salina E. Paris, a native Cherokee, who is identified on the Cherokee authenticated tribal roll of 1880, and that Louisa M. Redden is their daughter; that Saline E. Redden (nee Paris) died, and in December 1900, John Redden married Mamie Foreman, a white woman; that he is identified on the authenticated roll of 1880 and the Cherokee census roll of 1896, and has lived continuously in said nation since 1869, and it is considered that Louis M. Redden has lived therein ever since her birth.

November 20, 1902, you held that under section 666 of the compiled laws of the Cherokee Nation (1892), John Redden having married a white woman "having no rights of Cherokee citizenship by blood," after the death of his Cherokee wife, should be denied enrollment; and that Louisa M. Redden

-2-

should be enrolled as a citizen by blood, of said Nation.

Forwarding the papers January 15, 1903, the Commissioner of Indian Affairs recommends that your decision be affirmed. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

(COPY)

Cherokee 226

Muskogee, Indian Territory, January 30, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation.

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of John Redden for the enrollment of himself as a citizen by intermarriage, and granting his application for the enrollment of his minor child, Louis M. Redden, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, on January 20, 1903.

Respectfully,

Tans Bixby,
Acting Chairman.

(COPY)

Cherokee 226

Muskogee, Indian Territory, January 30, 1903.

John Redden,
Westville, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and granting your application for the enrollment of your minor child, Louisa M. Redden, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 20, 1903.

Respectfully,

Tams Bixby,

Acting Chairman.

Cher R 807

Cher R 807

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 17 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Westville, I. T., July 16, 1900.

In the matter of the application of said person or persons for
enrollment as Cherokee citizens; being sworn and examined by Com-
missioner Brookbridge the testimony is as follows:

Q What is your name? A Marie Foreman.
Q What is your age? A Thirty-six.
Q What is your post-office? A Westville.
Q In what district do you live? A Coingunake.
Q Do you apply as a Cherokee by blood? A No sir.
Q As a child of a marriage? A Yes sir, adopted.
Q Do you live in this district? A Yes, I do.
Q Do you apply for anyone besides yourself? A No children.
Q When were you married? A In 1885.
Q To whom were you married? A Charles Foreman.
Q Do you have a certificate of marriage? A Yes sir, (produces
certificate)
Q This is a duly executed certificate of marriage between
Charles Foreman and Marie Foreman, which I understand you to
say was your name at the time of your marriage? A Yes sir.
Q On the 22nd day of July, 1885, signed by A. L. Taylor, Minister
of the Gospel, and is not objected to in any particular by the rep-
resentatives of the Cherokee Nation here present. Your husband is
dead? A Yes sir.
Note: 1886 roll examined, page 311, 312, Coingunake dis-
trict.
Q Give the names and ages of your children? A Charles Foreman,
fifteen. (On 1886 roll, page 743, 744, Coingunake district, ~~was~~
twelve years old.) Myrtle Foreman, ten years old. (On 1886 roll
page 743, 744, Coingunake district, six years old.
Note: 1886 roll examined for Charles Foreman, page 432,
433, Coingunake District, Charlie Foreman.

For Brookbridge: Your husband's name being found duly
entered upon the roll of 1880, and your marriage with him properly
attested as ~~shown~~ shown in the testimony, you will be enrolled as
a Cherokee by adoption or intermarriage, and your children being
duly identified as shown in the testimony, will be enrolled as
Cherokees by blood.

J. D. Brown, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reports the
foregoing case and that the above and foregoing is a full, true and
complete transcript of his stenographic notes in said case.

J. D. Brown

Subscribed and sworn to before me this 17th day of July 1900.

[Signature]

Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Date 1900.

Name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood Mother's citizenship.....

Intermarried citizen.....

Married under what law _____ **Date of marriage** _____

License **Certificate**

Wife's name

District..... Year..... Page..... No.....

Citizen by blood..... }.. Mother's citizenship.....

Intermarried citizen......

Married under what law Date of marriage.....

License Certificate

Names of Children :

Dist. _____ Year _____ Page _____ No. _____ Age _____

***** DISTRICTS *****

| | Dist. | Year | Page | No. | Age |
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|--|-------|------|------|-----|-----|

Dist. _____ Year _____ Page _____ No. _____ Age _____

| Dist. | Year | Page | No. | Age |
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(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 8, 1901.

In the matter of the application of Mamie Foreman for enrollment as a Cherokee by intermarriage.

In the matter of the application of John Redden for enrollment as a Cherokee by intermarriage.

Testimony introduced by the Cherokee Nation.

Appearances:

Applicant not present or represented;
W. W. Hastings and J. L. Baugh, Cherokee Representatives.

GEORGE GIBSON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A George Gibson.

Q What is your age? A I am over 70.

Q What is your postoffice? A Westville.

Q Indian Territory? A Yes, sir.

Q You are a citizen of the United States, I believe? A Yes, sir.

Q Do you know John Redden, who lives near Westville, in the Indian Territory? A Yes, sir, I know Mr. Redden.

Q How long have you known Mr. Redden? A Oh, since he was a small boy, I can't tell you how many years.

Q He married a Cherokee citizen? A Yes, sir, he married two Cherokees.

Q His first wife dead? A That is my understanding.

Q Well, has he married within the last year or so? A Yes, sir.

Q Who did he marry? A He married a Widow Foreman the last time.

Q Whose widow was she? A Charles Foreman's.

Q What is her postoffice? A Westville, I suppose, would be her postoffice, she lives near Westville.

Q You know whether she is a white woman or a Cherokee by blood?

A I supposed she was a white woman, Mr. Redden says she is.

Q Now tell the Commission any instructions Mr. Redden gave you when he heard you were coming down here? A A week last Saturday he found out I was coming down here, he asked me to say to the Commission that his wife was in a delicate condition and he couldn't leave her, and neither could come; he also said that if it was a question of his marrying a non citizen was concerned, he and his wife were both adopted citizens and they were legally married; said, state to the Commission that if it would be necessary to send the papers without his coming, he would make an affidavit and forward it that they were married, and also send a copy of the marriage license.

Q And he wanted you tell the Commission that? A Yes, sir.

Q He learned you were coming here? A Yes, sir.

Q And he wanted to save the trip himself? A Yes, sir, he was in Westville the day I was summoned to come up here.

Q Do you know Charles Foreman's widow's first name? A No, sir, I don't.

Commissioner: Well now you know that John Redden has married Charley Foreman's widow? A I know he said he married, and I see them driving around together in a buggy together frequently.

Q John Redden was a widower? A Yes, sir.

Q He was a white man? A Yes, sir.

Q Mamie Foreman was a white woman? A Yes, sir, she is a white woman.

Commissioner: This testimony goes in the case No. 243, Mamie Foreman, and No. 226, John Redden, applicants for enrollment as Cherokees by intermarriage.

Mr. Hastings- The representatives of the Cherokee Nation desire to call attention to #666 of the Compiled Laws of the Cherokee Nation of 1898.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 8th day of October, 1901.

T. B. Needles,
Commissioner.

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George R. Smith, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing testimony and that the same is a true and correct copy of the original.

George R. Smith

Subscribed and sworn to before me this the 28 day February, 1903.

Samuel Foreman
Notary Public.

(CORY)

"R"

Cherokee Straight No. 243.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS IN THE MATTER OF
the application of John Redden, for enrollment as a citizen by
intermarriage of the Cherokee Nation.

Appearances:

W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: There is offered in evidence a marriage
license issued by Charles A. Davidson, Clerk of the United
States Court for the Northern District of the Indian Territory
by Herbert C. Smith, deputy clerk, authorizing the marriage of
John Redden and Mrs. Mamie Foreman, and a certificate showing that
the parties were united in matrimony by Edmond Jones, on the 19th
day of December, 1900.

A copy of this statement will also be filed with the
testimony had in the matter of the application of Mamie Foreman
for the enrollment as a citizen by intermarriage of the Cherokee
Nation, whose name appears upon Cherokee card No. 243.

M. D. Green, being first duly sworn, states that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this February 18, 1902.

T. B. Needles,
Commissioner.

George R. Smith, being first duly sworn, says that as steno-
grapher to the Commission to the Five Civilized Tribes he made the
foregoing copy and that the same is a true and correct copy of the
original.

George R. Smith

Subscribed and sworn to before me this the 28 day February, 1903.

Samuel Foreman
NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mamie Foreman for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her two minor children, Thomas and Myrtle Foreman, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on July 16, 1900, Mamie Foreman appeared before the Commission at Westville, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her two minor children, Thomas and Myrtle Foreman, as citizens by blood, of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 8, 1901, and at Muskogee, Indian Territory, on February 15, 1902.

The evidence in this case shows that Mamie Foreman, nee Herren, a white woman, was lawfully married on July 22, 1883, to Charles Foreman, a native Cherokee, who is identified on the Cherokee authenticated tribal roll of 1880. It further appears from the evidence that Charles Foreman died and on December 19, 1900, Mamie Foreman married John Redden, a white man. Thomas Foreman and Myrtle Foreman are the children of Mamie Foreman by her former husband, Charles Foreman. Mamie Foreman, now Mamie Redden, and her two children, Thomas and Myrtle Foreman, are identified on the Cherokee Census roll of 1896.

It further appears from the evidence that Mamie Foreman has lived in the Cherokee Nation ever since 1883, the year of her marriage to her former husband, Charles Foreman, and it is considered from the evidence that her two minor children, by her former husband, Thomas and Myrtle Foreman, have lived in the Cherokee Nation ever since their birth.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666 of the Compiled laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or persons, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application of Mamie Foreman, now Mamie Redden, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation should be denied, and that Thomas Foreman and Myrtle Foreman should be enrolled as citizens by blood of the Cherokee Nation in accord-

ance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,
Acting Chairman.

T. B. Needles,
Commissioner..

C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this Nov. 20, 1902.

(COPY)
(COPY)

Cherokee 243.

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of Mamie Foreman, now Mamie Redden, for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her two minor children, Thomas and Myrtle Foreman, as citizens by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby,

Acting Chairman.

Enclosure H. No. 31.

(COPY)
COPY

Cherokee 243.

Muskogee, Indian Territory, December 9, 1902.

Mamie Redden,
Westville, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your two minor children, Thomas and Myrtle Foreman, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of yourself, and granting your application for the enrollment of your said children.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enclosure H. No. 139.

Tams Bixby
Acting Chairman.

(COPY)
COPY

Cherokee 243.

Muskogee, Indian Territory, December 9, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of Mamie Foreman, now, Mamie Redden, for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her two minor children, Thomas and Myrtle Foreman, as citizens by blood, of the Cherokee Nation, a copy of which decision was furnished you on November 20, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Acting Chairman.

(COPY)
(COPY)

Cherokee 243.

Muskogee, Indian Territory, December 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Mamie Foreman, now Mamie Redden, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her two minor children, Thomas and Myrtle Foreman, as citizens by blood, of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application as to Mamie Redden.

Respectfully,

Tams Bixby,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enclosure H. No. 140.

(COPY)
(COPY)

Refer in reply
to the following:
Land
74,164-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 15, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Mamie Foreman for the enrollment of herself and her two minor children, Thomas and Myrtle Foreman, as citizens by blood of the Cherokee Nation.

The record evidence in this case shows that Mamie Foreman, nee Herren, a white woman, was lawfully married July 22, 1883, to Charles Foreman, a native Cherokee, who is identified on the Cherokee authenticated tribal roll of 1880.

It further appears that said Charles Foreman died and that on December 19, 1900, his widow, Mamie Foreman, married John Redden, a white man.

Section 666 of the Compiled laws of the Cherokee Nation of 1892, is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or

she shall marry a white man or woman, or persons, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

Under this provision of the Cherokee law the commission decided that the application of said Mamie Foreman for citizenship in the Cherokee Nation should be denied, and the office concurs therein.

As to her two children, Thomas and Myrtle Foreman, the evidence shows that they were the offspring of said Charles Foreman, a native Cherokee, and have always resided in the Cherokee Nation and are identified on the Cherokee census roll of 1896. By reason thereof the commission decided that they should be enrolled as citizens by blood of the Cherokee Nation, which decision is approved by the office, and it is respectfully recommended that the same be affirmed by the Department.

Very Respectfully,

W. A. Jones,

Commissioner.

(W.C.B.)

P.

(COPY)

D. C. No. 2080-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

EAF.

ITD. 416-1903

LRS.

January 20, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 9, 1902, you transmitted the record in the matter of the application for enrollment of Mamie Foreman as a citizen by intermarriage, and for the enrollment of her minor children, Thomas and Myrtle Foreman, as citizens by blood of the Cherokee Nation.

The evidence shows that Mamie Foreman, a white woman, was married on July 22, 1883, to Charles Foreman, a native Cherokee, who is identified on the Cherokee authenticated roll of 1880; that he died, and in December 1900, Mamie Foreman married John Redden, a white man; that Thomas and Myrtle Foreman are the children of said Mamie and Charles Foreman; that all the applicants are identified on the Cherokee census roll of 1896; that Mamie Foreman (now Redden) has lived in the nation ever since 1883, and it is considered from the evidence that said minor children have lived therein ever since their birth. November 20, 1902, you held that Thomas and Myrtle Foreman should be enrolled, but that under section 666 of the compiled laws of the Cherokee Nation (1892 -), Mamie Foreman (now Mamie Redden) having married a man "having no rights of Cherokee citizenship by blood," should be denied enrollment.

-2-

Forwarding the papers January 15, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(Signed) Thos Ryan.

Acting Secretary.

1 inclosure.

(COPY)

Cherokee. 243

Muskogee, Indian Territory, January 30, 1903.

Mamie Redden,

Westville, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and granting your application for the enrollment of your two minor children, Thomas and Myrtle Foreman, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 20, 1903.

Respectfully,

Tams Bixby,

Acting Chairman.

(COPY)
(COPY)

Cherokee 243

Muskogee, Indian Territory, January 30, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation.

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 20, 1902, rejecting the application of Mamie Redden for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her two minor children, Thomas and Myrtle Foreman, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 20, 1903.

Respectfully,

Tams Bixby,


Acting Chairman.

Cher R 808

Cher R 808

2
17
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 22 1900


ACTING CHAIRMAN

D. A. T. P. V. S. D. ... T. O.

0 1 1 0 1 1 1 1

1917, 1918, 1919, 1920.

On the basis of the application of Ida Gadsden for the enrollment of her children and husband as citizens of the Cherokee Nation; said application was filed in the Eastern District of Oklahoma, testified

2. Give your full name, address & telephone.

ALBIO.

The Journal of Law, Economics, & Organization, V16 N1

[illegible]

1. The first of these is the "General" or "Overall" impression of the work.

...and the - sixteen etc.

Yours faithfully,
A. J. A. [Signature]

The following information is provided by the certificate, showing:

Chlorine in water

Mr. J. H. ... and Mr. F. ... This

...lived in the ... ever ...

...in addition to the ... after your ...

[illegible]

There has been no case where a person has been arrested for a violation of the law.

...to the ... here ever since your ...

1. The first group of people who are interested in the study of the history of the United States are the people who are interested in the history of the United States.

... ..

7-10-68

1700-1701, 1702-1703, 1704-1705, 1706-1707, 1708-1709, 1710-1711, 1712-1713, 1714-1715, 1716-1717, 1718-1719, 1720-1721, 1722-1723, 1724-1725, 1726-1727, 1728-1729, 1730-1731, 1732-1733, 1734-1735, 1736-1737, 1738-1739, 1740-1741, 1742-1743, 1744-1745, 1746-1747, 1748-1749, 1750-1751, 1752-1753, 1754-1755, 1756-1757, 1758-1759, 1760-1761, 1762-1763, 1764-1765, 1766-1767, 1768-1769, 1770-1771, 1772-1773, 1774-1775, 1776-1777, 1778-1779, 1780-1781, 1782-1783, 1784-1785, 1786-1787, 1788-1789, 1790-1791, 1792-1793, 1794-1795, 1796-1797, 1798-1799, 1800-1801, 1802-1803, 1804-1805, 1806-1807, 1808-1809, 1810-1811, 1812-1813, 1814-1815, 1816-1817, 1818-1819, 1820-1821, 1822-1823, 1824-1825, 1826-1827, 1828-1829, 1830-1831, 1832-1833, 1834-1835, 1836-1837, 1838-1839, 1840-1841, 1842-1843, 1844-1845, 1846-1847, 1848-1849, 1850-1851, 1852-1853, 1854-1855, 1856-1857, 1858-1859, 1860-1861, 1862-1863, 1864-1865, 1866-1867, 1868-1869, 1870-1871, 1872-1873, 1874-1875, 1876-1877, 1878-1879, 1880-1881, 1882-1883, 1884-1885, 1886-1887, 1888-1889, 1890-1891, 1892-1893, 1894-1895, 1896-1897, 1898-1899, 1900-1901, 1902-1903, 1904-1905, 1906-1907, 1908-1909, 1910-1911, 1912-1913, 1914-1915, 1916-1917, 1918-1919, 1920-1921, 1922-1923, 1924-1925, 1926-1927, 1928-1929, 1930-1931, 1932-1933, 1934-1935, 1936-1937, 1938-1939, 1940-1941, 1942-1943, 1944-1945, 1946-1947, 1948-1949, 1950-1951, 1952-1953, 1954-1955, 1956-1957, 1958-1959, 1960-1961, 1962-1963, 1964-1965, 1966-1967, 1968-1969, 1970-1971, 1972-1973, 1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 24

... the roll of the ...

James Carter, an Irish Customer, is grand-father of

his name is [redacted] T. [redacted]

1. The following information is being furnished to you for your information:

... his father's name? John C. Green.

or alive? The

Barrow 111 No. str. white red.

Q How long since he died? A I do not know exact how long.

other's given name, please? : Very nice

What is his formal name? What is his present name now.

Q She was Mr. Gussman's at one time? A Yes, sir.

Q She is living, is she? Yes, sir.

Where are you from? : Yes, sir.

1986 enrollment; age 412, 1980, Jason onco Cushman; Delaware.

1996 enrollment; age 400, 710 1/2 Ida Cushman, Delaware.

Mr. J. W. Brown being sworn, testified as follows:

2 Give your full name, please? A Mary Ann Daves is my name now.

Give your age? 35.

Q Your post office? A Finite.

Q You have lived in the Cherokee Nation how long? A All my life.

born and raised here.

Q Do you know the applicant here, Ida Bushman? A Yes, sir.

Q Is her husband your son? A Yes, sir.

Id. 1054 m---2.

Q. Where is he now? A. In the I. of 'sylvia.

10. The father was not on the roll of 13. I cannot tell you
the father's father's father's father. In those days there was
no father's father's father's father.

Q. Now, you have been in his home there--Cushman? A. Ye, sir, no
and he is the son of my son.

Q. Now, did he find the 100 of the roll of 1300? A. Yes, sir.

100-100-1000; 100-1000, 100-1000, 100-1000, 100-1000.

7. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Lichtenthal and Whistler (1973).

Q. Did you tell him that you were married, "Marianne"?

1. The applicant is a female, born [redacted] for the enjoyment of the right of citizenship to be an inhabitant of the United States, and the title of her application for naturalization is [redacted] of the [redacted] and [redacted] lived here at his [redacted] [redacted] [redacted] of [redacted] a native [redacted], but [redacted] identified on the [redacted] of [redacted]. His mother is identified [redacted] of [redacted] and [redacted] states that her son [redacted] lived in the [redacted] [redacted] [redacted] [redacted]. The [redacted] herself is identified [redacted] of [redacted], and the marriage certificate is filed herewith [redacted] [redacted] [redacted] to her husband on July 20, 1900. They have lived together in the [redacted] [redacted] ever since their marriage, and [redacted] [redacted] [redacted] by her husband's confinement to the [redacted] [redacted]. In order to afford opportunity of consulting the [redacted] [redacted] [redacted], this application for both parties will, for the present, be based upon a doubtful card.

---00000000---

5. J. J. Jones, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. A. Kessen

Subscribed and sworn to before me this 22d day of September, 1900.

[Handwritten signature]

Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

1 28 Date Sep. 20, 1900. 1900.

Name Jason M. Cushman Albie, I. T.

District Delaware Year 1896 Page 449 No. 586

Citizen by blood Yes 1/16 Mother's citizenship Jno. Cushman--w--d

Intermarried citizen No. Mary Dawes--c--c

Married under what law Date of marriage

License 24 Certificate

2 Wife's name Ida Cushman Albie, I. T.

District Delaware Year 1896 Page 568 No. 119-1/2

Citizen by blood No. Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage July 1895

License Certificate Filed Sep. 20, 1900.


Names of Children:

| Dist. | Year | Page | No. | Age |
|-------|------|------|-----|-----|
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
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| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |

1 on 1896 Ross as Jason Monroe Cushman, cert. of marriage attached.

930.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 23 1900

 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Minute, I.T. October 4th, 1900.

SUPPLEMENTAL DEED OF CONFESSION OF JASON W. CUSHMAN, CHIEF OF THE CHEROKEE NATION--J. C. P. NO. 382.

David Murphy, being sworn, was examined by Commissioner C. D. Proctor, and testified as follows:

Q. Give your full name, please. A. David H. Murphy.

Q. How old are you? A. Thirty-four.

Q. What is your occupation? A. Messenger.

Q. How long have you lived in the Cherokee Nation? A. All my life.
W. H. HASTINGS, representative of Cherokee Nation.

Q. Do you know Jason W. Cushman? A. Yes, sir.

Q. How long have you known him? A. I have known him about twenty-seven or thirty years, ever since he was a little sucking baby.

Q. Where was he born? A. Yes, sir; he was born over on Long Creek in Delaware District in the Cherokee Nation.

Q. Did you know his mother? A. Yes, sir.

Q. What is her name? A. Mary Sutton. Her maiden name was Walton.

Q. Is she a Cherokee by blood? A. Yes, sir.

Q. Has she always been a recognized citizen of the Cherokee Nation? A. Yes, sir.

Q. Do you know whether or not Jason W. Cushman has always resided in the Cherokee Nation? A. He has always been in the Cherokee Nation with the exception of about three months. He was a consumptive here and was sent to Colorado for his health, and he remained two or three months.

Q. When was that? A. It was about ~~thirteen~~ three years ago.

Q. Do you know where Jason Cushman is now? A. No, sir; only what I have been told.

Q. Well, from what information you have, where is he? A. Well, they say he is sent to the Insane Asylum.

Q. At Tablequah? A. Yes, sir.

Q. What is the Cherokee name of the Insane Asylum? A. Yes, sir.

-----C-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in the above-mentioned supplemental hearing of this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October A. D. 1900.

Commissioner.

OMNIBUS

1871-80

1871-80

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1871-80

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 4th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF
JASON M. CHASEMAN, AN ALLEGED MEMBER OF THE CHEROKEE NATION, FOR CITIZENSHIP. CASE NO. 362.

CAROLINE WEDD, being sworn, and examined by Commissioner

C. J. Macfarlane, testified as follows:

- Q Give me your name please. A Caroline Wedd s.
Q What is your present name, is it? A Yes, sir.
Q Where is your present office? A Vinita.
Q What district do you live in? A Delaware.
Q How old are you? A I was born in 1848.

EXAMINATION by Mr. W. M. Mastin, s., representative of the Cherokee Nation.

- Q Do you know Jason M. Chaseman? A Yes, sir.
Q How long have you known him? A I have known him ever since he was a sucking babe.
Q Where was he born? A He was born on Honey Creek.
Q In what district? A Delaware District.
Q Of what nation? A Yes, sir.
Q Who was his mother? A Mary Sutton.
Q What was her maiden name? A Mary Melton.
Q Was she a Cherokee by blood? A Yes, sir.
Q A recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know whether or not Jason M. Chaseman has always lived in the Cherokee Nation? A Yes, sir; he has.
Q How far did he live from you? A Why, he always lived over on Honey Creek, and part of the time here in Vinita.
Q Did you know of his living in the Cherokee Nation all the time?
A Yes, sir.
Q Where is he now? A He is in the Insane Asylum.
Q Is Tabloquah? A Yes, sir.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had at the supplemental hearing of the above mentioned application, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October A. D. 1900.


Commissioner.

Cherokee D 362

MARRIAGE CERTIFICATE.

This is to Certify,

T H A T

Jason M. Cushman and Ida Jenkins,

Cherokee Nation

Cherokee Nation

Were joined together in HOLY MATRIMONY by me at Oswego, Kansas,
according to the Ordinance of God and the Laws of the State of
Kansas, on the 26th day of July 1893.

G. R. Rice,

Pastor M. H. Church

Mrs. L. A. Rice.

I, the undersigned, as stenographer to the Commission
to the Five Civilized Tribes, do certify that the above is a full
and correct copy of the original certificate on file in this office.

Ella Mielenz

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 25, 1902.

In the matter of the application of Ida Cushman, for the enrollment of herself as a citizen of the Cherokee Nation:

Appearances:

Applicant present in person;
W. W. Hastings, for the Cherokee Nation.

IDA CUSHMAN, being sworn and examined, testified as follows:

Q What is your name ? A Ida Cushman.
Q Where do you live Mrs. Cushman ? A At Alby.
Q Is that in the Territory ? A Yes sir.
Q Is there any further statement you desire to make relative to your application as a citizen of the Cherokee Nation ?
A No sir, I haven't anything.

Examined by Mr. Hastings:

Q You haven't married since you enrolled ? A No sir.
Q You and Cushman were separated ? A We were; he was in the asylum.
Q He is dead ? A He died a year ago last April.
Q Did you live with him up to the time he went to the asylum ?
A We were living in a hay camp and he went crazy.
Q You never were separated up to that time ? A No sir.
Q How long after he was stricken until he was taken to the asylum ?
A About three weeks.
Q Did you stay with him during that time ?
A I did all excepting five days.
Q What was the cause of that ? A He went over across the river to where his brother was and I didn't go.
Q With that exception you lived together all the time ?
A Yes sir.

The Commission:

Q When did he die ? A On the 8th day of last April.
Q Have you married since his death ? A No sir.

By Mr. Hastings:

Q He is dead now ? A Yes sir.

The Commission: Do you submit this case to the Commission for final consideration ? A Yes sir.

The applicant and representative of the Cherokee Nation present submit this case to the Commission for final consideration, and the same is ordered closed; and reported to the Commission for final decision based upon the evidence now on file.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is a true and accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this February 26, 1902.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jason M. Cushman as a citizen by blood, and for the enrollment of his wife, Ida Cushman, as a citizen by intermarriage, of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 20, 1900, Ida Cushman appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her husband, Jason M. Cushman, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on February 25, and October 6, 1902.

The evidence in this case shows that Ida Cushman, a white woman, was lawfully married on July 26, 1895, to Jason M. Cushman, a native Cherokee. Jason M. Cushman cannot be identified on the Cherokee authenticated tribal roll of 1880, but, upon examination of the tribal rolls of the Cherokee Nation in the possession of this Commission, he is identified on the Cherokee pay roll of 1883, on the Cherokee census roll of 1883, on the Cherokee pay roll of 1886, and on the Cherokee census roll of 1890, as "Jason Sutton". On the Cherokee strip payment roll of 1894 his name appears as "Jayson Cushman." The name of his mother, formerly Mary Sutton, is found on the Cherokee authenticated tribal roll of 1880.. Both Jason M. Cushman and his wife, Ida, are identified on the Cherokee census roll of 1896.

The evidence further shows that Jason M. Cushman died on April 8, 1901.

The evidence further shows that Ida Cushman has lived in the Cherokee Nation ever since her marriage to Jason M. Cushman in 1895, and that she has not married since his death.

It is, therefore, the opinion of this Commission that Ida Cushman should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered. It is further ordered that the application for the enrollment of Jason M. Cushman be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[Signature]
Acting Chairman

[Signature]
Commissioner

[Signature]
Commissioner

Muskogee, Indian Territory,

this DEC - 1 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Jason M. Cushman
(Here insert name of deceased.)
 a citizen of the Cherokee Nation, who formerly resided at or near
Grove, Ind. Ter., and died on the 8 day of
(Here insert name of postoffice.)
April, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Northern District. }

I, Mary Dawes, on oath state that I am 52
 years of age and a citizen, by blood, of the Cherokee Nation;
 that my post office address is Grove, Ind. Ter.; that I am
(Here insert name of post office.)
mother of Jason M. Cushman,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by blood, of the Cherokee Nation;
 and that said Jason M. Cushman died on the 8 day of
(Here insert name of deceased.)
April, 1901.

WITNESSES TO MARK:

(Must be Two
Witnesses.)
SEAL

Subscribed and sworn to before me this 7th day of January, 1902.

My Com. exps. May 5th, 1904.

F. M. Smith

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Northern District. }

I, W. B. Rains, on oath state that I am 44
 years of age, and a citizen, by adoption, of the Cherokee Nation;
 that my post office address is Vinita, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Jason M. Cushman,
(Here insert name of deceased.)
 who was a citizen, by blood, of the Cherokee Nation;
 and that said Jason M. Cushman died on the 8 day of
(Here insert name of deceased.)

April, 1901. I halted the body to Grove, I.T. Did not
 examine the body but his mother was with him and claimed him as her
 son.

(Must be Two
Witnesses.)

W. B. Rains

In the matter of the death of Jason M. Cushman
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Grove, Ind. Ter., and died on the 8 day of
(Here insert name of postoffice.)
April, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Mary Dawes, on oath state that I am 52
years of age and a citizen, by blood, of the Cherokee Nation;
that my post office address is Grove, Ind. Ter.; that I am
(Here insert name of post office.)
mother of Jason M. Cushman,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Cherokee Nation;
and that said Jason M. Cushman died on the 8 day of
(Here insert name of deceased.)
April, 1901.

WITNESSES TO MARK:

(Must be Two
Witnesses.)
SEAL

Mary Dawes
Subscribed and sworn to before me this 7th day of January, 1902.

F. M. Smith
My Com. exps. May 5th, 1904. Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, W. B. Rains, on oath state that I am 44
years of age, and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Vinita, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Jason M. Cushman,
(Here insert name of deceased.)
who was a citizen, by blood, of the Cherokee Nation;
and that said Jason M. Cushman died on the 8 day of
(Here insert name of deceased.)

April, 1901. I halted the body to Grove, I.T. Did not
examine the body but his mother was with him and claimed him as her
son.
WITNESSES TO MARK:

(Must be Two
Witnesses.)
SEAL

W. B. Rains
Subscribed and sworn to before me this 7th day of January, 1902.
My Com. Exp. May 5th, 1904. F. M. Smith Notary Public.

COMMUNICATIONS SECTION

FILED
NOV 1 1932

Acting Chief, U.S. Army

RECEIVED
NOV 1 1932
U.S. ARMY
COMMUNICATIONS SECTION
WASHINGTON, D.C.

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R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 6th, 1902.

In the matter of the application of Jason M. Cushman for the enrollment of himself as a citizen by blood of the Cherokee Nation and for the enrollment of his wife, Ida Cushman, as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-362.

Applicant appears in person.
Cherokee Nation by J. C. Starr.

IDA CUSHMAN, being duly sworn, testified as follows:--

Examination by the Commission.

- Q. What is your name, please? A. Ida Cushman.
Q. What is your age, Mrs. Cushman, at this time? A. 26 years old.
Q. What is your post office? A. Albia.
Q. Are you the same Ida Cushman for whom application was made to this Commission for enrollment as an intermarried citizen on September 10th, 1900? A. Yes, sir.
Q. What is your husband's name? A. J. M. Cushman.
Q. Was he a Cherokee by blood? A. Yes, sir.
Q. Is he living or dead? A. He is dead.
Q. When did he die? A. Last April; 1900; 8th day of April.
Q. 1901? A. Yes, sir.
Q. When were you and Jason M. Cushman married? A. We were married in 1895.
Q. What time in 1895? A. July 26th.
Q. Did you and he live together as husband and wife from the time of your marriage up until the time of his death in 1901?
A. Yes, sir; then he went crazy and was in the asylum.
Q. Well, you didn't separate? A. No, sir.
Q. You lived together all the time up until the time he was put in the asylum? A. Yes, sir.
Q. You never separated in any other way during his lifetime?
A. No, sir.
Q. Have you ever married since his death? A. No, sir.
Q. Never married any other man? A. No, sir.
Q. Was he your first husband? A. Yes, sir.
Q. You his first wife? A. Yes, sir.
Q. You were a widow and single on the first of September, 1902.
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. 14 years.
Q. Have you lived in the Cherokee Nation all the time for the last 14 years? A. Yes, sir.
Q. You have no children? A. No, sir.

+++++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 31st day of October, 1902.

Jesse O. Carr
B. E. Jones
Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
MISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 13, 1902.

Mrs. Mary Dawes,

Grove, Indian Territory.

Dear Madam:

The Commission is in receipt of affidavit showing the death on the 8th of April, 1901, of your son, Jason M. Cushman, and the same has been filed with the papers in the application for the enrollment of said Jason M. Cushman.

Yours truly,

T. B. Needles,
Commissioner in Charge.

Cherokee # D-362.

Cherokee D 362.

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of Ida Cushman for the enrollment of herself as a citizen by intermarriage, and dismissing her application for the enrollment of her husband, Jason M. Cushman, as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tame Dixey.

Acting Chairman.

Enclosure H. No. 72.

Cherokee D-362.

Muskogee, Indian Territory, January 13, 1903.

Ida Cushman,

Albia, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, and dismissing your application for the enrollment of your husband, Jason M. Cushman, as a citizen by blood of the Cherokee Nation, he having died on April 8, 1901.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. H-9.

Register.

Cherokee 9992.

Muskogee, Indian Territory, March 4, 1903.

Ida Cushman,

Albia, Indian Territory.

Dear Madam:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with that application a certificate showing your marriage on July 26, 1895, to Jason M. Cushman.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Chairman.

Encl. P-115.

RP

Cher R 809

Cher R 809

DEPARTMENT OF AGRICULTURE
COMMISSION TO THE EFFECT OF
1911

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 16, 1900.

In the matter of the application of Anna Laura Fister for the enrollment of herself and children as Cherokees of Shawnee blood, and her husband as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckinridge, she testified as follows:

- Q Give me your full name, please? A Anna Laura Fister.
- Q How old are you? A 30.
- Q What is your post office? A Lenapah, I. T.
- Q Do you live in Cooweescoowee district? A Yes, sir.
- Q Who is it you want to have put on the roll, yourself and husband and children? A Yes, sir.
- Q How many children? A Four.
- Q Are you a Cherokee by blood? A No, sir, I am a Shawnee.
- Q That is your husband? A A German.
- Q A white man? A Yes, sir.
- Q Were you born in the Cherokee Nation? A No, sir.
- Q Where were you born? A Johnson County, Kansas.
- Q When did you come to the Cherokee Nation? A It has been I think about 15 years ago.
- Q Were you admitted to citizenship by the Cherokee Commission or Council? A Yes, sir.
- Q Have you your certificate of admission? A Yes, sir.
- (The applicant presents a receipt dated October 1, 1886, and signed by Henry Chambers, Treasurer of the Cherokee Nation, acknowledging the payment of \$195 by Laura Ann Shufeldt, in consideration of citizenship.)
- Q What does this mean; this is not a certificate of admission?
- Q Why, that is the only paper I have got with me, my father has the rest of them.
- Q Who was Laura Ann Shufeldt? A That is myself, my father made a mistake, that was my name before I was married.
- Q Did they give you a certificate of admission? A I don't know, that is the only paper my father ever gave me.
- Q What was your name before you married your husband Fister?
- A Anna Laura Shufeldt.
- Q Shufeldt was your maiden name? A Yes, sir.
- Q When were you married? A In 1886.
- Q Have you and your husband lived together ever since your marriage? A Yes, sir.
- Q And all the time in the Cherokee Nation? A Yes, sir, I have never been out of the Cherokee Nation over a month since I have been here.
- Q When do you say you were admitted to citizenship? A I am not positive, I think it is 1882.
- Q And you paid the money in 1886? A Yes, sir.
- Q Give me the name of your father? A H. C. Shufeldt.
- Q Is he dead? A Yes, sir.
- Q Give me the name of your mother? A Martha A. Shufeldt.
- Q Is she dead? A No, sir.
- Q Now give me your husband's full name? A William Fister.
- Q How old is he? A 34.
- Q Isn't his name William H. Fister? A His lawful name is William.
- (The applicant presents a marriage license issued by the Clerk of Cooweescoowee district, October 15, 1886, authorizing marriage between W. M. Fister and Laura A. Shufeldt. The certificate shows that they were united in marriage by the Clerk of the district on the same date as the license. This is filed herewith.)
- Q Were you ever married except to your husband Fister? A No, sir.
- Q Was he ever married except to you? A No, sir, not that I ever knew of.

Anna Laura Fister - 2.

knew of, we were nothing but children when we were married.

Q Give me the names now, please, of your children? A Martha A., 13 years old.

Q The next child? A Maggie May, 11 years old.

Q The next child? A Henry C., 9 years old.

Q The next child? A Nellie G., 6 years old.

Q These children are all living now, are they? A Yes, sir.

Q How long has your father been dead? A Four years.

(Anna Laura Fister on 1896 roll, page 341, No. 159, Laura A. Fister, Cooweescoowee district. William Fister on 1896 roll, page 317, No. 734, William Fister, Cooweescoowee district. Martha A. Fister on 1896 roll, page 341, No. 160, Cooweescoowee district. Maggie M. Fister on 1896 roll, page 341, No. 161, Cooweescoowee district. Henry C. Fister on 1896 roll, page 341, No. 162, Cooweescoowee district. Nellie G. Fister on 1896 roll, page 341, No. 163, Cooweescoowee district.)

The applicant applies for the enrollment of herself, her husband and four children. She states that she was admitted to citizenship in 1882 by the Cherokee Commission, and that she qualified under that admission in 1886, and exhibits a receipt from the Treasurer of the Nation for the necessary amount of money paid for her certificate, but is unable at this time to produce an official copy of the certificate. She establishes her marriage to her husband in 1886, and states that neither of them have ever been otherwise married. She has lived in the Cherokee Nation ever since her admission, and is identified on the roll of 1896. Her application as a Cherokee of Shawnee blood will be placed now upon a white card to await the official copy of her certificate of admission. Her husband is shown to have married her in accordance with Cherokee law in 1886, and he is identified with her on the roll of 1896. He will be listed as a Cherokee by intermarriage upon the same card. The four children named in the testimony are all identified with their parents on the roll of 1896, they are all living now, and they will be listed as Cherokees by blood on a white card with their parents. The receipt for the money is returned to the applicant.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of October, 1900

J. R. Jones

Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct 16 1900 1900.

Name William Fister Lenapah, I. T.

District Cooweescoowee Year 1896 Page 317 No 734

Citizen by blood No. Mother's citizenship

Intermarried citizen Yes

Married under what law Cherokee Date of marriage 1880

License Certificate

Wife's name Anna L. Fister

District Cooweescoowee Year 1896 Page 341 No 159
Admitted 1882

Citizen by blood Shaw Mother's citizenship H. C. Shonfeldt

Intermarried citizen No Martha A.

Married under what law Date of marriage

License Filed Oct 16, 1900 Certificate Filed Oct 16, 1900

Names of Children:

3 Martha A Fister Dist. Cooweescoowee Year 1896 Page 341 No 160 Age 13

4 Maggie M " Dist. " Year " Page 341 No 161 Age 11

5 Henry C " Dist. " Year " Page 341 No 162 Age 9

6 Nellie G " Dist. " Year " Page 341 No 163 Age 6

Dist. Year Page No Age

Dist. Year Page No Age

Dist. Year Page No Age

Dist. Year Page No Age

Dist. Year Page No Age

Dist. Year Page No Age

1 On 1896 Roll as William Mc Fister

2 " " " Laura A. Fister

Marriage license and cert attached
Evidence of admission of No. 2 to be supplied.

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To be filed with, - D 598.

An act to admit Martha Shoefeldt and children, Laura Ann, John Frank, and Lucy Shoefeldt, and Minnie Choteau to citizenship.

=====

BE IT ENACTED BY THE NATIONAL COUNCIL:

That Martha Shoefeldt, and children, Laura Ann, John Frank, and Lucy Shoefeldt, and also Minnie Choteau, all Shawnee Indians by blood, be, and they are hereby, admitted to all the right, privileges, and immunities of other Shawnee residents in and citizens of the Cherokee Nation, on the same conditions imposed by the agreement between the Cherokee Nation and the Shawnees, concluded June 7, 1869, and approved by the President, June 9, 1869.

PROVIDED: That the persons herein admitted, shall pay to the Treasurer of the Cherokee Nation the sum of One Hundred and ninety-five dollars each, the same being the amount, per capita, paid by the Shawnees now citizens of the Cherokee Nation, and PROVIDED, further, that the above amount shall be paid by each of said Shawnees before any rights shall accrue under this act.

Sec. 2. That H. C. Shoefeldt, a white man and father of the above named children shall be required to comply with the law of the Nation, entitled "Intermarriage" with white men and foreigners, before he shall be recognized as a citizen of the Nation.

Approved, Dec. 9, 1882.

(signed) D. W. Bushyhead, Prin. Chief.

EXECUTIVE DEPARTMENT,
Tahlequah, Cher. Nation.
March 24, 1883.

This is to certify that the within is a true copy of the record of an Act of the National Council, admitting Martha Shoefeldt and family to Cherokee citizenship, approved December 9, 1882, of the record on file in this Office.

(signed) John L. Adam,
Asst. Secretary.

(SEAL)

I, A. R. Cheever, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

A. R. Cheever

Cooweescoowee Dist
Cherokee Nation.

To all whom it may concern, be it known-

That I, J. E. Campbell Dept Clerk of the Dist aforesaid, do this day by virtue of the authority in me vested, by Law issue a License of Marriage to Mr. W. M. Fister a citizen of the United States to marry Miss Laura A. Shufeldt, a bonafied citizen of the Cherokee Nation. He, the said W. M. Fister having complied with the law regulating intermarriage with citizens of the United States and citizens of the Cherokee Nation- No therefore-

To any person authorized

to solemnize marriage Greeting:

You are hereby authorized and empowered to solemnize the rites of marriage and the holy bonds of Matrimony, between the parties aforesaid, and return this license to this office for record within thirty days from the solemnization of such marriage, together with a certificate of such ceremony appended thereto.

Given from under my hand and official seal this 15th day of October 1886.

S E A L

J.E. Campbell

Dept Clerk Cooweescoowee District
Cherokee Nation.

I hereby certify that Mr. W. M. Fister of the State of Kansas and Miss Laura A. Shufeldt of Cooweescoowee District Cherokee Nation, were by me at Al lu we, Ind Ty joined together in the Holy Bonds of matrimony.

On this the 15th day of October 1886.

J. E. Campbell, Dept Clerk
Cooweescoowee District Cherokee Nation.

In presence of

H. C. Shufeldt.

Recorded this the 19th day of October as provided by law.

J. E. Campbell Dept Clerk
Cooweescoowee Dist Cherokee Nation

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the original on file in this office.

Ella Nielson

Cherokee D 598

TREASURY DEPARTMENT,

CHEROKEE NATION.

TAHLEQUAH, IND. TER. Oct 1st 1886

Received of Laura Ann Shufeldt a Shawnee Indian, the sum of One Hundred and Ninety Five Dollars in consideration of Citizenship, as provided and required by an Act of the National Council.
Approved December 9th 1882.

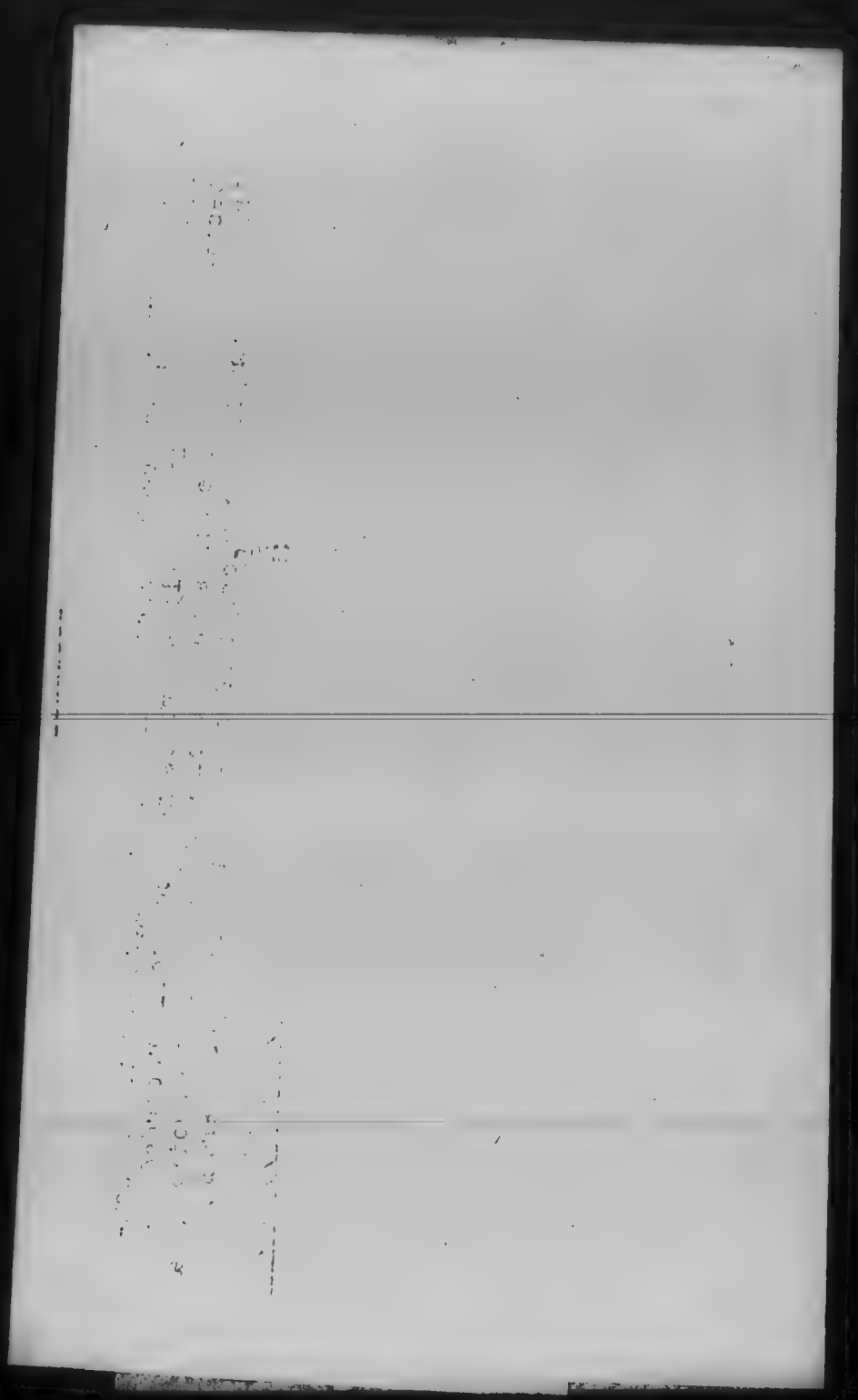
Henry Chambers

Treasurer, Cherokee Nation.

S E A L

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a full and correct copy of a receipt of the Treasurer of the Cherokee Nation on file in this office.

Ella Mickey



"R" .

Cherokee D 598

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of William Foster for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:

J.H.Keith, Coffeyville, Kan., attorney for applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day to-wit: 5th day of March, 1902 appears in person and by his attorney, J.H.Keith.

MARTHA A. STOREY, being first duly sworn and being examined, testified as follows:

BY MR. KEITH:

Q Please state your name and place of residence again? A Martha A. Storey, Lenapah, I. T.
Q What relation did you bear to Anna Laura Fister, during her lifetime? A She was my daughter.
Q Do you know when Mrs. Fister died? A Yes sir, I was at her bedside when she died.
Q When was that? A That was the 26th of October she died.
Q Did you know her age at that time? A Yes sir.
Q How old was she? A Thirty years old.
Q She died in October, 1901? A Yes sir.
Q And was thirty years old at that time? A Yes sir.
Q You know when she was married? A Yes sir.
Q When? A She was married in October 15th, 1886, I think it was.
Q You know where she went after her marriage, with her husband, where she lived? A Lived right there on Hickory Creek.
Q Cherokee Nation? A Yes sir.
Q She was married when she was about 16 years old? A Yes sir.
Q Prior to that time she had resided with you? A No, part of the time; she was down here when she was married.
Q In the Cherokee Nation? A Yes sir.
Q She was in either with her father on the ranch on Hickory Creek or with you in Johnson County? A Yes sir.
Q You know what part of her time after 1883 during the years 1884 and 1885 she spent down here? A She was down here part of the time; I couldn't tell you how much of the time.
Q You know whether she kept house for her father? A Yes sir, she did, after our housekeeper died, and she was down here before that off and on.
Q She was married in 1886 and kept house down here before that, during 1884 and 1885 and 1886 before that? A Yes sir.

BY MR. HASTINGS:

Q You have no schools in Johnson County Kansas? A Yes sir.
Q You ever send this girl to school before she was married? A She went there part of the time, yes sir.
Q Go when she was 14 years old? A Yes she, she went about two months I guess.
Q And when she was 15? A No, I don't think she did.
Q Quit school when she was about 14? A Yes sir.
Q You mean to say that your daughter of 14 left you and came to stay with her father on the ranch? A Part of the time, she

didn't stay altogether, all the time.

Q This money was not paid to the Treasurer until 1886 was it? A 1886, yes sir.

Q She was admitted with a condition in 1881 I believe? A 1882 was not it.

Q '81 or '82? A '82.

Q So that the money was not paid until four or perhaps five years afterwards? A It was in 1886.

BY MR. KEITH: We desire that portion of the testimony as number one Exhibit, relative to the act of Council admitting Mrs. Storey and certain members of her family be made part of the record in this case.

BY COMMISSION: The copy of the act, filed in case of Martha A. Storey, Cherokee D 601, will be copied and filed herewith.

W.M.FISTER, being first duly sworn, and being examined, testified as follows:

BY MR. KEITH:

Q State your name and place of residence? A W.M.Fister.

Q Where do you live? A Lenapah.

Q How long have you resided at or near Lenapah? A Well sir, about 16 or 17 years.

Q Were you the husband of Anna Laura Fister, during her lifetime? A Yes sir.

Q Did you live with her from the time of your marriage until the time of her death? A Yes sir.

Q Had you known your wife before she came to the Indian Territory? A Yes sir.

Q Were any of the children born to yourself and wife after your wife's application for enrollment in October 16, 1900? A Yes sir.

Q Have you filed the birth certificate with the Commission? A Yes sir.

BY COMMISSION:

Q The youngest child we have is Nellie G.? A That is the youngest.

Q Then you have no child born since the original application? A Oh no sir.

BY MR. KEITH:

Q You know where your father-in-law was residing at the time you married your wife? A Yes sir.

Q Where? A He was staying most of the time here on the Hickory Creek.

Q You know whether your wife had resided there part of the time? A Yes sir.

Q About how much of the time since 1883 had she resided there with her father? A I came there in 1884 I think it was, and she was, and she was there off and on but I don't recollect how long at a time.

Q She kept house a short time? A Yes sir, she kept house when she was here.

Q You were working for her father at that place when you married her? A Yes sir.

BY MR. HASTINGS:

Q You knew her in Kansas? A Yes sir.

Q You knew them before she came down here? A I got acquainted with them a year or two after they established their right.

Q Mr. Shufeldt remaining down there on the farm most of the time? A Yes sir.

Q And his wife lived up in Johnson County, Kansas on that farm? A She was back and forth.

Q Where were her young children? A She left them at home for the purpose of schooling.

Q So when she would be down here her children would be up at home? A Yes.

Q How long did she stay down here at any one time? A I don't know exactly, 2 months I suppose, I couldn't say positive.

Q All of these children for whom you apply born in the Territory?
A Yes sir, every one of them.

BY THE COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted ten days to file a brief in the case, one copy with the Commission and one with the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

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100-1002

ACTING CHIEF

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DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 21, 1902.

In the matter of the application of William Fister for enrollment as a citizen by intermarriage of the Cherokee nation, and for the enrollment of his children Martha A., Maggie M., Henry C., and Nellie G. as citizens by blood of the Cherokee nation.

William Fister, called as a witness and being first duly sworn, and examined by the Commission, testified as follows:

- Q Your name is William Fister? A Yes sir.
Q How old are you? A About 37 years.
Q What is your postoffice? A Lennepah, I.T.
Q Are you a white man? A Yes sir.
Q Are you claiming the right to be enrolled as a citizen by intermarriage of the Cherokee nation? A Yes sir.
Q What was the name of your wife? A Laura Annie.
Q Annie Laura, isn't it? A They got that mixed; it should be Laura Annie, but her father got it wrong.
Q How do you want it now? Laura Annie? A That is her proper name, yes.
Q Is your wife a Shawnee by blood? A Yes sir.
Q When did she come to the Cherokee nation? A In 1886.
Q Was she admitted to citizenship in '86? A Well, she was admitted to citizenship two years before in 1883-4, when her father proved up to the Cherokee council; it was an act of the council. Bushyhead was chief at that time.
Q Did you ever submit any evidence to the Commission? A Yes, we was here last spring, and we never heard what they did.
Q I am asking you if you introduced evidence of your wife's citizenship?
A Yes, citizenship papers; the Dawes Commission has them now.
Q When did you send them in? A Last spring.
Q Has your wife been living in the Cherokee nation since 1886? A Yes, never has been out.
Q When were you married to her? A 1886.
Q Under a Cherokee marriage license? A Yes sir.
Q Was that before or after she was admitted? A Two years after.
Q Is Laura your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q You and your wife have been living in the Cherokee nation ever since you were married? A Yes, up to three years ago, she died.
Q You lived with her from the time you were married up to the time she died? A Yes sir.
Q Have you married since her death? A No sir.
Q You have been living in the Cherokee nation ever since you married her in 1886? A Yes sir.
Q You never made your home anywhere else? A Right at Lennepah.
Q How many children have you by your wife Laura? A Four.
Q Are they all living? A Yes sir.
Q When did you say your wife died? A Three years ago the 26th of this month.
Q Was she living at the time you applied for enrollment? A When was that?
At Nowata?
Q In 1900? A She enrolled herself at Nowata when the Commission was there.
Q Was she living in Oct., 1900? A It is two years since her death; I made a mistake; she did the enrolling herself and died about a month afterwards.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Subscribed and sworn to before me
this October 28th, 1902.

James R. Lane
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of William Fister as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Laura Annie Fister, and his four minor children, Martha A., Maggie M., Henry C. and Nellie G. Fister, as citizens of the Cherokee Nation of Shawnee blood.

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DECISION.

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The record in this case shows that on October 16, 1900, Laura Annie Fister appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of her husband, William Fister, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of herself, and her four minor children, Martha A., Maggie M., Henry C. and Nellie G. Fister, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 5, 1902, and on October 21, 1902.

The evidence in this case shows that Laura Annie Fister, nee Shufeldt, a Shawnee Indian, who was admitted by the duly constituted authorities of the Cherokee Nation "to all the rights, privileges, and immunities of other Shawnee residents in and citizens of the Cherokee Nation," on December 9, 1888, provided no rights should accrue until a certain sum of money was paid to the Cherokee Nation, which condition was complied with, was lawfully married to William Fister, a white man, on October 15, 1886, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation. The evidence further shows that Laura Annie Fister died on October 26, 1901. William Fister, Laura Annie Fister and their minor children, Martha A., Maggie M., Henry C. and Nellie G. Fister are identified on the Cherokee Census Roll of 1896.

The evidence further shows that Laura Annie Fister lived in the Cherokee Nation from about the year 1885 until the time of her death, and that William Fister has lived in the Cherokee Nation continuously since 1886 with his said wife, up to the time of her death, and that he had resided continuously therein since her death and had not remarried up to and including September 1, 1902. All the children of William Fister and his wife, Laura Annie Fister, included in this application, were born in the Cherokee Nation and it is considered from the evidence that they have lived in said Nation ever since their birth.

It is, therefore, the opinion of this Commission that William Fister should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that his four minor children, Martha A. Fister, Maggie M. Fister, Henry C. Fister and Nellie G. Fister

Cherokee D-598, # 2.

should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

It is further ordered that the application for the enrollment of Emma Annie Fister as a citizen of the Cherokee Nation of Shawnee blood be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 10 1902

COPY.

Cherokee D-598.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Laura Annie Fister for the enrollment of her husband, William Fister, as a citizen by intermarriage, and for the enrollment of her four minor children, Martha A., Maggie M., Henry C. and Nellie G. Fister, as citizens of the Cherokee Nation of Shawnee blood, and dismissing her application for the enrollment of herself as a citizen of the Cherokee Nation of Shawnee blood.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

John W. Smith

Acting Chairman.

Enc. H-213.

(COPY)

Cherokee D-598

Muskogee, Indian Territory, January 15, 1903.

J. H. Keith,

Attorney for William Fister, et al.,
Coffeyville, Kansas.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application for the enrollment of William Fister as a citizen by intermarriage, and for the enrollment of his four minor children, Martha A., Maggie M., Henry C. and Nellie G. Fister, as citizens of the Cherokee Nation of Shawnee blood, and dismissing the application for the enrollment of his wife, Laura A. Fister, who died on October 26, 1901.

Respectfully,

Acting Chairman.

Enc.M-48

Register.

(COPY)

Cherokee D-598

Muskogee, Indian Territory, January 15, 1903.

William Fister,
Lenapah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your four minor children, Martha A., Maggie M., Henry C. and Nellie G. Fister, as citizens of the Cherokee Nation of Shawnee blood, and dismissing the application for the enrollment of your wife, Laura A. Fister, who died on October 26, 1901.

Respectfully,

Acting Shairman.

Enc. M-347

Register.

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DEPARTMENT OF THE INTERIOR/
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 20th, 1900.

IN THE MATTER OF THE APPLICATION OF JOHN WESLEY PURCELL FOR THE
ENROLLMENT OF HIMSELF HIS WIFE AND CHILDREN AS CHEROKEE CITIZENS.

The said John Wesley Purcell, being sworn and examined by
Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Wesley Purcell.
Q What is your age? A Thirty-five.
Q What is your post office address? A Big Cabin, Indian Ter-
ritory.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A
Yes, sir.

Q By blood? A Yes, sir.
Q What degree of blood do you claim? A I am a Shawnee.
Q How much Shawnee blood have you got? A To the best of my
knowledge one-sixteenth.
Q For whom do you apply for enrollment? A For myself, wife
and two children.
Q What is the name of your father? A My father was Robert
Wesley Purcell.
Q Is he living? A No, sir; he is dead.
Q What is the name of your mother? A Harriett Ross.
Q Is she living? A (No response)
Q What is the maiden name of your wife? A Mary E.
Hollum.

Q Is she a Cherokee by blood? A No, sir; she is white.
Q When did you marry her? A In 1889.
Q Have you got a certificate of marriage? A Yes, sir.
THE COMMISSIONER: The applicant presents a duly authenticated
certificate, certifying that he was married to one Emma Hollum,
a citizen of the United States on the 27th day of October, the same
being recorded May 27th, 1890.

Q What is her age? A She is twenty-eight to the best of my
knowledge.
Q Is she living? A Yes, sir.
Q What are the names of your children? A William Raymond.
Q How old is he? A Eight years old.
Q The name of the next one? A Carl B.
Q How old is Carl B.
A He is two.
Q The name of the next one? A That is all.
Q Have you got any proof of birth as to this younger one?
A Yes, sir.

THE COMMISSIONER: The applicant presents proof of birth as to
his youngest child, Carl, whose name does not appear upon the roll of
1896.

Q These children are alive and living with you at this time?
A Yes, sir.
Q How long have you lived in the Cherokee Nation? A About
thirty years.
Q Continuously? A Yes, sir.

1880 Roll, page 156, No. 2248, Westley Purcell, Cooweescoowee District.

1896 Roll, page 610, No. 288, John W. Purcell, Delaware District.

1896 Roll, page 585, No. 424, Mary E. Purcell, Delaware District.

1896 Roll, page 610, No. 289, William R. Purcell, Delaware District.

MR HASTINGS: (Representative of the Cherokee Nation)

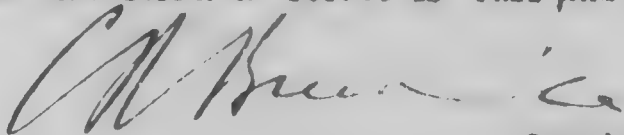
The Cherokee Nation desires to put into this case the testimony of David Daugherty taken in the case of Harriett Ross, mother of this applicant, which testimony is to the effect that the applicant's mother was married to his cousin, a Shawnee by blood, and that she subsequently married the applicant's father, who was a white man; and that she, the applicant's mother, was also a white woman. The point is not against him at all. I don't know whether there is anything to it or not; but we expect to hold that an adopted white person cannot marry another white person and adopt her. There cannot be any objection made to him because he is on the roll of 1880.

THE COMMISSIONER: The name of John Wesley Purcell appears upon the authenticated roll of 1880 as well as the Census Roll of 1896. Being duly identified thereby and having made satisfactory proof as to his residence, he will be duly listed for enrollment by this Commission as a Cherokee citizen by blood.

The name of his wife, Mary E. appears upon the Census Roll of 1896. He avers that he was married to her on the 28th day of October 1889, and presents a certificate of marriage to that effect. The name of his child, William R., is also found upon the Census Roll of 1896. He avers that he has one child named Carl, two years old, whose name does not appear upon the roll of 1896 having been born after the same was compiled. He presents satisfactory proof as to its birth. By reason of the protest of the representative of the Cherokee Nation, final judgment as to the enrollment of the said Mary E. Purcell and her two children William R. and Carl R., is suspended, and their names will be placed upon a doubtful card.

The undersigned being sworn, states that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in the above application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of October A. D. 1900.



Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Date..... Sep. 20 1900..... 1900.

Name.....

District..... Year..... Page..... No.....

Citizen by blood..... Mother's citizenship.....

Intermarried citizen.....

Married under what law..... Date of marriage.....

License..... Certificate.....

Wife's name..... Mary E. Purcell.....

District..... Delaware..... Year 1896..... Page 585..... No. 424.....

Citizen by blood..... Mother's citizenship.....

Intermarried citizen.....

Married under what law..... Date of marriage.....

License..... Certificate.....

Names of Children:

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| 3 | William R. Purcell | Dist. | Delaware | Year | 1896 | Page | 610 | No. | 289 | Age | 8 |
| 4 | Carl B. | Dist. | Delaware | Year | | Page | | No. | | Age | 2 |
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4 Affidavit of birth supplied D-375.

Cherokee D 348
File In Cherokee D 375

Department of the Interior,
Commission to the five Civilized Tribes.
Vinita, I. T. September, 20, 1900.

In the matter of the application of Harriett Ross.

In the matter of the application of Charles Purcell.

Additional Testimony.

David Daugherty, being sworn and examined, testified before Commissioner Needles, as follows:

Mr. W. W. Hastings, representative of Cherokee Nation: Do you know the woman who is on the Shawnee roll as Harriett Purcell and her son Charles Purcell? A I knew her, but I don't know the boy at all, I have heard of him is all.

Q Who was Harriett Purcell, and what was her blood? A She is a white woman.

Q State how you know? A It has been tested in our Council, I used to be a member of the Shawnee Council, and it was tried; she is kin to Captain Parks, our Principal Chief of the Shawnee Tribe, but it is on the white blood, Captain Parks is very nearly a white man.

Q Who was Harriett Purcell's first husband? A Lewis Daugherty, he was my cousin.

Q Lewis Daugherty was a Shawnee by blood? A Yes, sir, just the same as I am.

Q And that was the way she became adopted? A That is the way she became adopted into the tribe.

Q Do you know her Purcell husband? A Yes, sir, knew him well.

Q Was he a Shawnee by blood? A No sir, he was a white man.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this 20th of September 1900.

C. R. Breckinridge,

Commissioner.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, being duly sworn, state that the above is a full, true and correct copy of the original transcript on file in this office.

W. A. Breckinridge

Subscribed and sworn to before me this 1st day of August, 1902.

W. A. Breckinridge
Notary Public.

0-50

Supplemental testimony to go with Doubtful Cards Nos. 375 & 343.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 29, 1900.

Supplemental testimony in the matter of the applications of
Mary M. Purcell et al. and Harriet Hens for enrollment as citizens
of the Cherokee Nation.

J. W. PURCELL, being sworn by Commissioner T. . Needles,
testified as follows:

Examination by W. A. Hallett, Attorney for Applicants:

- Q What is your name? A J. W. Purcell.
Q What is your wife's name? A Mary M. Purcell.
Q What is your children's names? A Mary William . and Carl .
Q Have you been placed upon the roll by this Commission? A Yes,
sir.
Q The tribe did you belong to originally? A Shawnee tribe.
Q What was your mother's name? A My mother's maiden name was;
she went by the name of Harriet Sharp.
Q Where is your marriage license to your wife? A They are on
file at this office.
Q You were placed upon the roll a few days ago were you? A Yes,
sir.

Rachel Rogers being sworn, testified as follows:

- Q What is your name? A Rachel Rogers.
Q Where do you live? A Ten miles south of Vinita.
Q Did you know Graham Rogers? A Yes, sir.
Q Of what Indian blood was he? A Full blood.
Q What tribe? A Shawnee.
Q Was he at one time Chief of the tribe? A Yes, sir.
Q Do you know whether he was Chief of the Shawnee Tribe in 1870,
April 9th? A Yes, sir.
Q I hand you a certificate with a name, purporting to be that of
your father, Graham Rogers; please examine it and see if that is his
name? A (Document shown witness and examined by him.) A Yes,
sir.

G. C. Carnatzer, being sworn, testified as follows:

- Q What is your name? A G. C. Carnatzer.
Q Where do you live? A Vinita.
Q Do you know G. . Carnatzer? A Yes, sir.
Q What relation was he to you? A Father.
Q Here is a certificate signed by G. . Carnatzer, Clerk of Shaw-
nee Council; I will ask you to see that that is your father's sign-
nature? (Document shown witness and examined by him.) A Yes, sir.
Q Do you know whether he was Clerk of the Shawnee Council in 1870,
April 9th? A Yes, sir.
Q Is he dead or alive? A Dead.

Commissioner Needles:--Applicant presents the following certi-
ficate:

"Council House, Johnson County, Kansas,
April 9th, 1870.

TO ALL TO WHOM IT MAY CONCERN:

This is to certify that R. W. Purcell was legally married to
Harriet Dougherty, a member of the Shawnee Tribe of Indians, Decem-
ber 31, 1860, and regularly adopted with all the rights, titles,

Mary E. Purcell et al.---2.

privileges and immunities of said Tribe of Indians, from and after the day and date first above written.

IN TESTIMONY WHEREOF we have hereunto affixed our names.

Graham Rogers, Charles Tucker, ~~Charles~~ Head
Chief and Asst. Chief of the Shawnee Tribe
of Indians.

(Signature witness)

E. . Cornatzer, Clerk."

Sallie Gore, being sworn, testified as follows:

- Q What is your name? A Sallie Gore.
Q Where do you live? A Near Bluejacket.
Q Do you know the person named in this certificate, which is copied as Harriet Dougherty? A Yes, sir.
Q What was her maiden name? A Harriet Thorp.
Q How long have you known her? A My earliest recollection about 56 years. I have known her ever since I was about seven or eight years old.
Q You have known her about 48 years? A Yes, sir.
Q What Tribe of Indians do you belong to? A Shawnee.
Q Where did you know her? A In Johnson Count, Kansas.
Q On what lands was that? A Shawnee Reservation.
Q State what you know about her being a Shawnee Indian? A I never knew anything else of her only as a Shawnee Indian.
Q Do you know whether she took her allotment of lands there as a Shawnee Indian? A Yes, sir, she drew lands and shared the same rights and privileges that I did.
Q Is she the mother of Mr. J. W. Purcell, who applies to have his wife and children enrolled in this proceedings? A Yes, sir.

William Chouteau, beingsworn, testified as follows:

- Q What is your name? A William Chouteau.
Q Where do you reside? A Right here at Town.
Q What is your blood? A Shawnee.
Q Do you know a woman called Harriet Dougherty, formerly Harriet Thorp? A I used to know her when she was young.
Q What was she known as when you knew her, was it Thorp; before she was married what was her name at that time? A They called her Thorp.
Q What was her status with the Shawnee Tribe of Indians? A Some said she was Shawnee and some said she was white.
Q What can you say as to her rights with the Shawnee Tribe of Indians? A She was married to a Shawnee and I suppose she had a right from that. Louis Dougherty was her husband.

Cross-examination by P.C. West, Cherokee Representative:

- Q Opinion was about equally decided as to whether she was Shawnee or white? A Some said she was white and some Shawnee.
Re-direct examination by W. A. Mallett, Attorney for Applicants:
Q Where did she live then, where did she reside? A Shawnee Reservation.
Q Did you know whether she drew her land as a Shawnee? A Yes, sir, I think she did, land and money too; after she married a Shawnee she was adopted, of course.

Harriet Ross, being sworn, testified as follows:

- Q What is your name? A Harriet Ross.
Q What was your maiden name? A I went to by the name of Jane Harriet Thorp. They had when I enrolled here, I made a mistake and put my name down Jones. That was my father's name I have been told, but I always went by the name of my step-father. They never knew me by the name of Jones, but I have been told by older people that my father's name was Jones and I do not know why I put it down that way.
Q How did that come about? A Just happen to, that.
Q Your mother's husband, what because of him before you were born?
A He was taken away to the Penitentiary and staid there for five years.
Q Were you born in his absence? A Yes, sir.
Q How you are informed? A Yes, sir.
Q Did he return and live with your mother? A Yes, sir.
Q You always went by his name? A Yes, sir.
Q What did you say about giving your name as Jones? A I say that I give me name as Jones instead of Thorp. I should have give it in as Thorp because my name was always put in as Thorp.
Q Are you the mother of Mr. J. W. Purcell, who asks to have his wife and children enrolled here? A Yes, sir, I am the mother of them.
Q Where have you lived since you remember? A Shawnee race of people.
Q Always? A Always resided with them.
Q You were not enrolled the other day? A No, sir, I think not.

Cross examination by P. J. West, Cherokee Representative:

- Q What is your notion about where you were born? A As near as I could learn about it, I was born in Michigan.
Q What part of Michigan? A I do not know anything about that. I was not enough informed this way.
Q You have made that a rule all of your life to inquire about your family history? A I never had any desire to know.
Q You never had any desire to know your own family history?
A I never had any one to ask about it.
Q You did ask about it? A This old gentleman told me about it and I ask him some questions.
Q What did he say? A He said he had always known my mother and knew my father. He said he knew my mother was quarter blood Shawnee.
Q Who was this old gentleman that imparted this information?
A Mr. Pearl, he is dead.
Q He is the only man that ever knew anything about you? A Yes, sir he is the only one.
Q What was the name of the man Jones that you were told was his father? A He never stated his father, he just said Jones. I did not ask him his given name.
Q Who told you Jones was your father? A Mr. Pearce.
Q When did you fall in with Mr. Pearce? A I have known him since him since I was a child.
Q Where did your mother become acquainted with this man Thorp? A I do not know about that.
Q Did you ever hear about where they were married? A Never heard anything about that, she died when I was small.
Q Was Thorp the man that was sent to the Penitentiary? A Yes, sir.
Q Where was he sent from to the Penitentiary? A There where they lived.
Q In Kansas? A There in Michigan.

Mary E. Purcell et al.--2.

Q Had he come back from the Penitentiary when you were old enough to recollect? A I do not recollect anything about it, I was young. I was too small to know anything.

W. A. Smith, being sworn, testified as follows:

Direct examination by W. A. Wallelt:

Q What is your name? A W. A. Smith.

Q Where do you reside? A Winita.

Q Here is an affidavit purporting to have been executed by Charles Bluejacket on the 23d day of April, 1887, your name is signed as a witness to his signature; I will ask you if you signed your name there and if Charles Bluejacket executed that affidavit it?

A Yes, sir.

Q The affidavit is executed before G. W. McEwing, Notary Public. Warren Williams also signs that the witness is true; that is correct? A Yes, sir.

Q Here is an affidavit, Mr. Smith, purporting to have been executed by Theressa Brown. Yourself Warren Williams and Charles Tucke, signing as witnesses to her signature. Said affidavit having been executed before G. W. McEwing, Notary Public, on the 16th day of April, 1887. Did Theressa Brown execute that affidavit as she purports to have done? A Yes, sir.

Harriet Ross, recalled, further testified:

Examination by P. C. West, Cherokee Representative:

Q I want to know which side of the house you claim your Shawnee blood? A My mother's.

Re-ex Interrogatories by W. A. Wallelt, Attorney for Applicants:

Q Did you know a man by the name of Captain Joseph Parks? A Yes, sir.

Q What relation was he to your mother? A He was her brother.

Q Was he Shawnee Indian? A Yes, sir.

Q How long did you live in Kansas before you came to this country?

A I lived all my life there.

Q From your earliest recollection? A Yes, sir.

Q On what reservation? A Johnson County, Kansas.

P. C. West, Cherokee Representative:

Q When did you come to the Indian Territory? A I come when they all come.

Q What do you mean by that? A The whole Tribe of Shawnees.

Q You have been here ever since? A Yes, sir.

Q Is your husband living? A No, sir, dead.

Q When did you marry him? A Six years ago.

Q Was he white man? A Yes, sir, white man.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22 day of October, 1900.

[Signature]

[Signature]

"R"

Cherokee D 375

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Mary E. Purcell for the enrollment of herself and children as
Cherokee citizens.

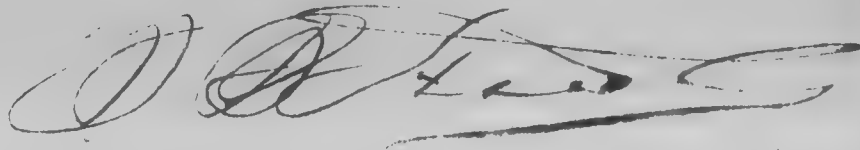
Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., attor-
neys for the applicants;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and her attorneys were notified
by registered letter on February 6, 1902 that this case would
be taken up for final consideration by the Commission, on
the 25th day of February, 1902; receipt has been acknowledged
of the Commission's letter, and the applicant this day appears
by her attorneys, Mellette & Smith, Vinita, I. T.

The attorneys for the applicant and the representative
of the Cherokee Nation present submit this case to the
Commission for final consideration and it is ordered closed
and reported to the Commission for final decision based upon
the evidence now of record.

The attorney for the applicant requests and will be
granted 15 days in which to file brief, one copy with the
Commission and one copy with the representatives of the
Cherokee Nation.



Commissioner.

MDG

1832

10-15

Handwritten signature and scribbles

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1902.

In the case of the application of Mary E. Purcell for enrollment as a citizen by intermarriage, and for the enrollment of her children, William R., Carl C. and Milford C. Purcell, as citizens of Shawnee blood of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Mary E. Purcell.
Q What is your age at this time? A Thirty-two.
Q Do you know your exact age? A My family record was lost and I don't know my exact age.
Q Who gave your age in when you made your application? A My husband.
Q He gave it in twenty-eight, you think it is thirty-two? A That is my judgment, that is what I think.
Q Are you the same Mary E. Purcell who made application to this Commission as an intermarried citizen on September 30, 1900? A Yes sir.
Q What is your husband's name? A John W. Purcell.
Q Is he a Cherokee by blood? A Yes sir, Shawnee blood.
Q Is he living at this time? A Yes sir.
Q How long have you and he married? A We have been married about 13 years.
Q Have you ever married prior to your marriage to him? A No sir.
Q Was he ever married prior to his marriage to you? A No sir.
Q Was his first wife and he is your first husband? A Yes sir.
Q Have you and your husband lived together from the time of your marriage up until the present time? A Yes sir.
Q Are you living together now? A Yes sir.
Q Were you living together on the first day of September, 1902, as husband and wife? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since I was a small child.
Q Have you lived in the Cherokee Nation for the last thirteen years? A Yes sir.
Q Are these children, William R., Carl C. and Milford C., your children by your husband? A Yes sir.
Q And are they living at this time? A No sir, my oldest boy is not living, William R. is dead.
Q When did he die? A He died the 25th of this last August, a year ago.
Q Are these other two children living? A Yes sir.
Q Has Carl C. and Milford C. lived in the Cherokee Nation all their lives? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. C. Jones
Subscribed and sworn to before me this 23rd day of October, 1902.

B. C. Jones
Notary Public.

CLERK OF DELAWARE DISTRICT . C. N.

Maysville, Ark.

CHEROKEE NATION
DELAWARE DISTRICT

I hereby certify that on the 27th day of October, I joined in holy matrimony John W. Furbell, a citizen of the Cherokee Nation and Ema Hollum a citizen of the United States. Ceremony performed at my residence in Delaware C. N.

Charles Tucker.

Ordained Minister of the Congregation Church.

Recorded May 27, 1890.

Bert McGhee

Deputy Clerk Del Dist.

I hereby certify that the above marriage license is true and correct copy from the record of this office.

J. R. Hastings,

Clerk Del. Dist.

(S E A L)
Exhibit "A".

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a full and correct copy of the certified copy on file in this office.

Ella Wheeler

60 375

IN RE
THE DEATH OF

William R. Russell,

a citizen of the

Shenandoah

Nation.

Approved

1902

Commissioner.

6 1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of William R. Purcell
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Big Cabin, Ind. Ter., and died on the 25 day of
August, 1901.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Mary E Purcell, on oath state that I am 30
years of age and a citizen, by marriage, of the Cherokee Nation;
that my post office address is Big Cabin, Ind. Ter.; that I am
the mother of William R. Purcell
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Cherokee Nation;
and that said William R. Purcell died on the 25 day of
August, 1901.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 6 day of October 1902.

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Amanda M. Purcell, on oath state that I am 31
years of age, and a citizen, by marriage, of the Cherokee Nation;
that my post office address is Big Cabin, Ind. Ter.;
that I was personally acquainted with William R. Purcell
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by blood, of the Cherokee Nation;
and that said William R. Purcell died on the 25 day of
August, 1901.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 6 day of October 1902.

a citizen of the Cherokee Nation, who formerly resided at or near
Big Cabin, Ind. Ter., and died on the 25 day of
August, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Mary E Purcell, on oath state that I am 30
years of age and a citizen, by marriage, of the Cherokee Nation;
that my post office address is Big Cabin, Ind. Ter.; that I am
the mother of William R. Purcell
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Cherokee Nation;
and that said William R. Purcell died on the 25 day of
August, 1901. Mary E. Purcell

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 6 day of October 1902.

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Amanda M Purcell, on oath state that I am 31
years of age, and a citizen, by marriage, of the Cherokee Nation;
that my post office address is Big Cabin, Ind. Ter.;
that I was personally acquainted with William R. Purcell
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Cherokee Nation;
and that said William R. Purcell died on the 25 day of
August, 1901.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 6 day of October 1902.

Amanda M. Purcell
Notary Public.

50375

IN RE
THE DEATH OF

William R Purcell
a citizen of the

Cherokee

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Mary E. Purcell as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her three minor children, William R., Carl B. and Milford C. Purcell, as citizens of the Cherokee Nation of Shawnee blood.

II II II II II II II II

DECISION.

--:0:--

The record in this case shows that on September 20, 1900, John W. Purcell appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his two minor children, William R. and Carl B. Purcell, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Mary E. Purcell, as a citizen by intermarriage of the Cherokee Nation. John W. Purcell is differently classified and is not embraced in this decision. Another child, Milford C. Purcell, by name, has been born since the date of this application, and he is now embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on September 29, 1900, and again at Muskogee, Indian Territory, on October 6, 1902. The testimony of David Daugherty, taken on September 20, 1900, in the matter of the application of Harriett Ross for the enrollment of herself as a citizen of the Cherokee Nation, Cherokee Doubtful Case # 348, is made part of the record in this case.

The evidence in this case shows that Mary E. Purcell, a white woman, was lawfully married on October 27, 1889, to John W. Purcell, a Shawnee Indian, an adopted citizen of the Cherokee Nation, whose name appears upon the Register of Shawnees who removed to the Cherokee Nation, pursuant to the terms of the Cherokee--Shawnee agreement of 1869, and on the Cherokee Authenticated Tribal Roll of 1880. Mary E. Purcell and William R. Purcell are identified on the Cherokee Census Roll of 1896. The other children, Carl B. and Milford C. Purcell, born on February 6, 1898, and December 2, 1900, respectively, are too young to be on any roll, but are duly identified by birth affidavits, made a part of the record herein.

The evidence further shows that Mary E. Purcell has lived with her said husband, John W. Purcell, in the Cherokee Nation continuously from the date of her marriage to him up to and including September 1, 1902. Carl B. and Milford C. Purcell have lived in the Cherokee Nation continuously since birth, and were residents therein on the date of this application. William R. Purcell died on August 25, 1901, as shown by an affidavit of death, made a part of the record herein.

Cherokee D-375, # 2.

It is, therefore, the opinion of this Commission that Mary E. Purcell should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Carl B. Purcell and Milford C. Purcell should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

It is further ordered by this Commission that the application for the enrollment of William R. Purcell as a citizen of the Cherokee Nation should be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 10 1902

(COPY)

Cherokee D-375

Muskogee, Indian Territory, January 15, 1903.

Edgar Smith,

Attorney for Mary E. Purcell, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of John W. Purcell for the enrollment of his wife, Mary E. Purcell, as a citizen by intermarriage, and for the enrollment of his two minor children, Carl B. and Milford C. Purcell, as citizens of the Cherokee Nation of Shawnee blood, and dismissing his application for the enrollment of his minor child, William R. Purcell, who died on August 25, 1901.

Respectfully,

Acting Chairman.

Enc. M-246

Register.

(COPY)

Cherokee D-375

Muskogee, Indian Territory, January 15, 1903.

John W. Purcell,

Big Cabin, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting your application for the enrollment of your wife, Mary E. Purcell, as a citizen by intermarriage, and for the enrollment of your two minor children, Carl B. and Milford C. Purcell, as citizens of the Cherokee Nation of Shawnee blood, and dismissing your application for the enrollment of your minor child, William R. Purcell, who died August 25, 1901.

Respectfully,

Acting Chairman.

Enc. M-46

Register.

Copy

Cherokee D-375.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of John W. Purcell for the enrollment of his wife, Mary E. Purcell, as a citizen by intermarriage, and for the enrollment of his minor children, Carl B. and Milford C. Purcell, as citizens of the Cherokee Nation of Shawnee blood, and dismissing his application for the enrollment of his minor child, William R. Purcell, as a citizen of the Cherokee Nation of Shawnee blood.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tamc Dixby.

Acting Chairman.

Enc. H-209.

Cher R 811

Cher R 811

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Department of the Interior,
Commission to the Five Civilized tribes,
Chelsea, I. T. November, 20th 1900.

In the matter of the application of Jack Williams for the enrollment of himself, wife and three children as Cherokee citizens. He being sworn testified as follows.

- Q What is your name? A. Jack Williams.
Q What is your age? A. 38.
Q What is your post office? A. Chelsea.
Q Do you live in Cooweescoowee district? A. Yes sir.
Q Who do you want to enroll, yourself and family? A. Yes sir.
Q You have a wife have you? A. Yes sir.
Q How many children? A. Three.
Q Are you a Cherokee by blood? A. Yes sir.
Q What is your wife? A. A white woman.
Q Have you lived in the Cherokee Nation all your life? A. Yes sir.
Q Give me the name of your father? A. Harrison Williams.
Q Is he dead? A. No sir.
Q Give me the name of your mother? A. Kittie.
Q Is she dead? A. Yes sir.
Q Give me the name of your wife? A. Minnie.
Q How old is she? A. 35.
Q When were you married to her? A. In 1893.
Q What was her name when you married her? A. She was named Elliott when I married her, she was married before she was married to me.
Q Was her first husband dead at the time she married you? A. Yes sir.
Q Were you married before you married her? A. Yes sir.
Q How many times? A. Twice.
Q Were your first wives dead when you married this last one? A. No sir, one of them was and I was divorced from one.
Q What was your first wife's name? A. Flora B. Moore.
Q Did you live with her until she died? A. Yes sir.
Q What was the name of the second wife? A. Effie Huffman.
Q When were you married to her? A. In 1889.
Q How long did you live with her? A. 4 or 5 months.
Q Have you a divorce from her? A. Yes sir.
Q Let me see the decree? A. Haven't got it.
Q Didn't you get one? A. It went by default.
Q When did you get it? A. In 1892.
Q Have you a certificate of marriage to your present wife? A. No sir.
Q Are these children by your present wife? A. Yes sir.
Q Give me their names. A. Guy.
Q How old is he? A. 6 years old.
Q What is the name of the next? A. Anna.
Q How old is he? A. 3.
Q What is the name of the next? A. Mary E.
Q How old is she? A. 4 months.
Q Are they all living now? A. Yes sir.

| | | | |
|-----------------------|----------|----------------|---------------------------------|
| 1880, roll, page 205, | No 3359, | Jack Williams, | Cooweescoowee, N. C. |
| 1896 | 280 | 5098, | Jack Williams, Cooweescoowee. |
| 1896 | 330 | 1111 | Minnie Williams, Cooweescoowee. |
| 1896 | 280 | 5099, | Guy Williams, |

The applicant applies for the enrollment of himself, wife and three children. He is identified on the roll of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and will be listed now for enrollment as a Cherokee by blood. He states that he and his wife were married in 1893, and that they have lived in the Cherokee Nation as husband and wife ever since. She is identified with him and their oldest child on the roll of 1896. She is a white woman. He states that she was married once before her marriage to him but that her first husband was dead at the time of their own marriage. He also states that he was married twice before he married this wife; that his first wife died prior to his mar-

Jack Williams 3.

riage to his present wife, but that his second wife and he had separated. He states that he was divorced in 1892 but he ~~was~~ is not able at present to supply the Commission with a copy of the decree of divorce. Awaiting this evidence, the application for his wife will be placed on a doubtful card, she being classed as a Cherokee by adoption. The children named in the testimony claim through the legality of their mothers marriage. The oldest, Guy, will be listed ~~as a Cherokee by blood~~ as a Cherokee by blood, but on a doubtful card to await evidence as to his fathers divorce from his second wife. When certificates of birth as to the two youngest children, Anna and Mary E. are supplied to the Commission they also will be listed on a doubtful card as Cherokees by blood to await the evidence stated above.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above entitled case and that he foregoing is a full true and correct transcript of his stenographic notes herein

Chas von Weise
Subscribed and sworn to before me this 20th of November, 1900.

Heinrich
Commissioner.

Cooweescoowee.
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Nov 20 1900 1900.

Name Chelsea, I. T.

District Year Page No.

Citizen by blood Mother's citizenship.

Intermarried citizen.

Married under what law Date of marriage.

License Certificate.

Wife's name Minnie Williams

District Cooweescoowee Year 1896 Page 330 No. 1111

Citizen by blood No Mother's citizenship.

Intermarried citizen Yes

Married under what law Date of marriage 1893

License Certificate.

Names of Children:

2 Guy Williams Dist. Cooweescoowee Year 1896 Page 280 No 5099 Age 6

3 Anna " Dist. " Year " Page " No. " Age 3

4 Mary E. " Dist. " Year " Page " No. " Age 4

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

3 and 4 affidavits to be supplied.

Decree of divorce of husband from former wife to be supplied.

Supl.-C.D.#844.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

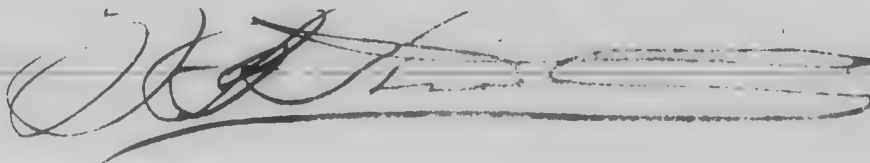
SUPPLEMENTAL in the matter of the enrollment of MINNIE WILLIAMS,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day appears by her attorney, A. M. Callaway.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission: There is offered in evidence by the Attorney for the applicant a certified copy of the marriage record showing that J. W. Williams, a Cherokee citizen by blood, and Mrs. Minnie Elliott, a citizen of the United States, were married by A. D. Jack, a Minister of the Gospel, on the 18th day of April, 1893.

The Attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.



Commissioner.

J.O.R.

Cherokee D 844

In Case of J. W. Williams vs Effie Williams, Judgement for Plaintiff by default.

Executive Office Cherokee Nation,
Tahlequah, I. T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation, do hereby certify that the above is a true copy taken from the Circuit Court Docket for Cooweescoowee District Cherokee Nation, for the May Term of said Court for the year 1891; that said docket has been filed in this office and is in my custody.

Given under my hand and the seal of the Cherokee Nation, this the 7th day of December 1900.

Seal

B. W. Alberty
Assistant Executive secretary
Cherokee nation.

Muskogee, I. T., May 23, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of a record now on file in the office of the Commission.

H. M. Vance

Cherokee D 844

Married at the Presbyterian Church Parsonage, Claremore, Cherokee Nation Ind. Ter.-J.W.Williams, a Cherokee citizen by blood and Mrs Minnie Elliott, a citizen of the U.S. April 16th 1893-by
Rev.A.D.Jack, a
Minister of the Gospel.

Executive Office Cherokee Nation,
Tahlequah Ind. Ter.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the marriage record of Cooweescoowee District Cherokee Nation, now filed in this Office Cherokee Nation, this the 27th day of February 1902.

Seal

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

Muskogee, I. T., June 11, 1902.

I, H. N. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of a certified copy of a Marriage Certificate, which is now on file in the office of the Commission.

H. N. Vance

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1902.

In the matter of the application of MINNIE WILLIAMS, for the enrollment of herself as a citizen by intermarriage, and her children, GUY, ANNA and MARY E. WILLIAMS, as citizens by blood, of the Cherokee Nation:

MINNIE B. WILLIAMS, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Minnie B. Williams.
Q What is your age at this time ? A Thirty eight.
Q What is your post office address ? A Claremore.
Q Are you the same Minnie Williams that applied to the Commission for enrollment as an intermarried citizen in November, 1900 ?
A Yes sir.
Q What was your husband's name ? A Jack Williams.
Q Was he a Cherokee by blood ? A Yes sir.
Q Is he living or dead ? A He's living.
Q Have you and he separated ? A No sir.
Q Are you living together ? A Yes sir.
Q Were you ever married prior to your marriage to Mr. Williams ?
A Yes sir.
Q How many times ? A Once.
Q Once before ? A Yes sir.
Q What was your first husband's name ? A Avie Elliott.
Q Was he a white man ? A Yes sir.
Q Was he living or dead when you married Mr. Williams ?
A He was dead.
Q When were you and Mr. Williams married ? A In 1893.
Q Had Mr. Williams ever been married prior to his marriage to you ?
A Yes sir, he had been married twice before.
Q Were both wives dead when you married him ?
A His first wife was dead, and the other one he was divorced from.
Q What was the name of his first wife ? A Flora Moore.
Q She was dead ? A Yes sir.
Q What was the name of the second wife ? A Effie Hoffman.
Q He was divorced from her ? A Yes sir.
Q Do you know what court he was divorced in ? A No sir.
Q He is not here with you ? A No sir.
Q Well now, you are Mr. Williams' third wife ? A Yes sir.
Q He is your second husband ? A Yes sir.
Q Have you and he lived together all the time since you were married in 1893 up to the present time ? A Yes sir.
Q You have never been separated ? A No sir.
Q Living together on the first day of September, 1902, as husband and wife, were you ? A No sir, we were married on the 17th day of April, 1893.
Q I asked you if you and he were married in 1893 and have lived together as husband and wife ever since that time ? A Yes sir.
Q You have never separated ? A No sir.
Q Were you living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since your marriage in 1893 up to the present time ? A Yes sir, right in the Nation; I have lived at Claremore and at Tulsa.

Q These three children, Guy, Anna and Mary E., are your children
by your husband ? A Yes sir.
Q Are these children all living ? A The youngest one is
not; Mary E., is dead.
Q When did she die ? A The 19th of this last June.
Q Guy and Anna are still living ? A Yes sir.
Q Are these the only children you have ?
A I have this one here.
Q When was it born ? A The 21st of September.

E. C. Bagwell, on oath, states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this November 17, 1902.

B. C. Jones
Notary Public.

10844

IN RE
THE DEATH OF

Mary E Williams

Citizen of the

State of

Nation.

Approved

1907

San Francisco

1907

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Mary E Williams*
(Here insert name of deceased.)
 a citizen of the *Cherokee* Nation, who formerly resided at or near
Claremore, Ind. Ter., and died on the *19* day of *June*
(Here insert name of post office.)
 1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.)

I, *Minnie Williams* on oath state that I am *38*
 years of age and a citizen, by *intermarriage* of the *Cherokee* Nation;
 that my post office address is *Claremore*, Ind. Ter.; that I am
(Here insert name of post office.)
mother of *Mary E Williams*
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by *blood*, of the *Cherokee* Nation;
 and that said *Mary E Williams* died on the *19* day of
(Here insert name of deceased.)
June, 1902 *Minnie Williams*

WITNESSES TO MARK:

(Must be Two
 Witnesses.)

Subscribed and sworn to before me this *15* day of *October* 1902.
Bruce C Jones
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.)

I, *Artha Williams*, on oath state that I am *32*
 years of age, and a citizen, by *intermarriage* of the *Cherokee* Nation;
 that my post office address is *Chelsea*, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with *Mary E Williams*
(Here insert name of deceased.)
 who was a citizen, by *blood*, of the *Cherokee* Nation;
 and that said *Mary E Williams* died on the *19* day of
(Here insert name of deceased.)
June, 1902 *Artha Williams*

WITNESSES TO MARK:

(Must be Two
 Witnesses.)

In the matter of the death of *Mary E Williams*
a citizen of the *Cherokee* Nation, who formerly resided at or near
Claremore, Ind. Ter., and died on the *19* day of *June*
1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.)

I, *Minnie Williams* on oath state that I am *38*
years of age and a citizen, by *intermarriage* of the *Cherokee* Nation;
that my post office address is *Claremore*, Ind. Ter.; that I am
mother of *Mary E Williams*
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by *blood*, of the *Cherokee* Nation;
and that said *Mary E Williams* died on the *19* day of
June, *1902*
WITNESSES TO MARK: *Minnie Williams*

(Must be Two
Witnesses.)

Subscribed and sworn to before me this *15* day of *October* *1902*
Bruce C Jones
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.)

I, *Artha Williams*, on oath state that I am *32*
years of age, and a citizen, by *intermarriage* of the *Cherokee* Nation;
that my post office address is *Chelusa*, Ind. Ter.;
that I was personally acquainted with *Mary E Williams*
who was a citizen, by *blood*, of the *Cherokee* Nation;
and that said *Mary E Williams* died on the *19* day of
June, *1902*
WITNESSES TO MARK: *Artha Williams*

(Must be Two
Witnesses.)

Subscribed and sworn to before me this *15* day of *October* *1902*
Bruce C Jones
Notary Public.

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved

1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minnie Williams as a citizen by intermarriage, and for the enrollment of Guy Williams, Anna Williams and Mary E. Williams as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 20, 1900, Jack Williams appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of his wife, Minnie Williams, as a citizen by intermarriage, and their minor children, Guy, Anna and Mary E. Williams, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 15, 1902. The application also included himself, but as he is differently classified, he is not embraced in this decision.

The evidence shows that Minnie Williams, formerly Elliott, was lawfully married on April 16, 1893, to Jack Williams, a citizen by blood of the Cherokee Nation. As a result of that marriage the minor children hereinbefore named were born. It further appears that Jack Williams, prior to his marriage to this wife, had been married twice, his first wife being dead, and at the time of his marriage to Minnie Williams he had been divorced from his second wife. Minnie Williams and Guy Williams are identified on the Cherokee census roll of 1896. Anna Williams and Mary E. Williams are identified by certificates of birth made a part of the record herein. There was filed with this Commission, and made a part of the record herein, a death affidavit wherein it is shown that Mary E. Williams died on June 19, 1902.

The evidence further shows that Minnie Williams has lived with her said husband in the Cherokee Nation and Indian Territory continuously from her marriage up to and including September 1, 1902. The residence of the minor children herein has been the same as that of their parents.

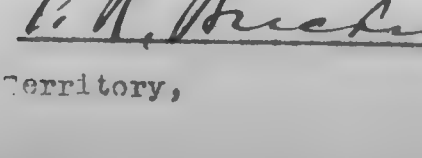
It is, therefore, the opinion of this Commission that Minnie Williams should be enrolled as a citizen by intermarriage, and Guy Williams and Anna Williams should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 20, 1898, (30 Stats., 495), and it is so ordered.

It is further ordered by this Commission that the application for the enrollment of Mary E. Williams as a citizen by blood of the Cherokee Nation be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

Cherokee D 844.

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Jack Williams for the enrollment of his wife, Minnie Williams, as a citizen by intermarriage, and for the enrollment of his two minor children, Guy and Anna Williams, as citizens by blood of the Cherokee Nation, and dismissing his application for the enrollment of his minor child, Mary E. Williams.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby.

Enclosure H. No. 423.

Acting Chairman.

(COPY)

Cherokee D-844

Muskogee, Indian Territory, January 14, 1903.

Jack Williams,
Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the ~~Commission to the Five Civilized Tribes~~, dated December 10, 1902, granting your application for the enrollment of your wife, Minnie Williams, as a citizen by intermarriage, and for the enrollment of your two minor children, Guy and Anna Williams, as citizens by blood of the Cherokee Nation, and dismissing your application for the enrollment of your minor child, Mary E. Williams, she having died on June 19, 1902.

Respectfully,

Tams Bixby,
Acting Chairman.

Enc. M-35
Register.

(COPY)

Cherokee D-844

Muskogee, Indian Territory, January 14, 1903.

Joe M. LaHay,

Representing A. M. Callaway,

Attorney for Minnie Williams, et al.,

Claremore, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Jack Williams for the enrollment of his wife, Minnie Williams, as a citizen by intermarriage, and for the enrollment of his two children, Guy and Anna Williams, as citizens by blood of the Cherokee Nation, and dismissing his application for the enrollment of his minor child, Mary E. Williams, she having died on June 19, 1902.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. M-36

Register.

Cher R 812

Cher R 812

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE MORE CIVILIZED TRIBES.
FILED
OCT 1 1890

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D.C., Oct. 10, 1907.

In the matter of the application of Charles Colston for the enrollment of himself, his wife and children as citizens of the Cherokee Nation, to-wit: Charles Colston, his wife and children, being sworn and examined by the undersigned Special Agent in Charge, the following answers were given:

Q What is your name? A Charles Colston.
Q How old are you? A About 29.
Q What is your post-office? A Bartlesville.
Q In what district do you live? A Coconawawee.
Q You want to enroll yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A 3.
Q You apply for as a Cherokee by blood? A Yes sir.
Q What are you, half-breed? A One quarter breed.
Q What is your wife, Cherokee? A No, she is a white woman.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father? A Jack Colston.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Jennie Colston. Was her name at the time.
Q Is she alive? A Yes sir.
Q Give me your wife's name? A Annie Colston.
Q How old is she? A He must be about 25.
Q When did you marry her? A In 1893.
Q Has she lived with you ever since your marriage? A Yes sir.
Q Have you a certificate of marriage? A Yes sir. (Produces papers of the Applicant, presents certificate showing that he and his wife were married as set out by him on June 30 1893, by the Rev. John Garcoxis; this is returned to him.)
Q She has lived with you, you say, ever since you were married to her? A Yes sir.
Q Give me the names of your children? A Mary Susan Colston.
Q How old is that child? A She was 5 years old 30th of last April.
Q Next child? A Bertha May.
Q How old is she? A She will be 3 years old the 13th of ~~August~~ ~~October~~ ~~October~~.
Q Next child? A He was born last August.
Q What is his name? A Alberty Colston. That's a boy.
Q How old is that child? A Born 30th of this last August.
Q These children are all living now are they? A Yes sir.
Q How were you living with in 1830? A I was living with my grand father.
Q What is his name? A Jesse Thompson.
Q You think you might has been enrolled as Charley Thompson? A Yes sir.
Q Was your grand-father living in Indian District? A No sir.
Q Was in Coconawawee District.
Q What was your grand-father's wife's name at that time? A Liza.
Q Your father was dead in 1830? A Yes sir.
Q What was your mother's husband's name then? A I don't remember; after my father died she married a fellow named Lovelady. I think; she afterwards married a man named Goodough.
1830 roll examined for applicant; and name not found.
1896 roll page 136 #1118 Charles Colston Coconawawee, native Cher
1896 roll page 300 #265 Annie Colston Coconawawee Dist;
1896 roll page 136 #1119 Mary S. Colston "
~~1896/1897~~ What is your mother's present name? Jennie Hilderbrand.
Q Have you anybody here who has known you all your life?
A Yes sir, right there is a man that knows me, John Willy.

JOHN R. VILLY, being sworn and examined by Con'r Brackinridge testified as follows:

Q Give your full name. A John R. Villy.
 Q How old are you? A 50.
 Q Where is your post-office? A Little
 Q How long have you lived in Little? A Little
 over 30 years.
 Q Are you a citizen? A Yes.
 Q Do you know Charles Colston, the applicant? A Yes, I
 know him well. I see him.
 Q Have you known him all his life? A I don't know him all his
 life.
 Q How long have you known him? A I have seen his mother.
 Q You don't know, definitely, anything about the family?
 A No sir.

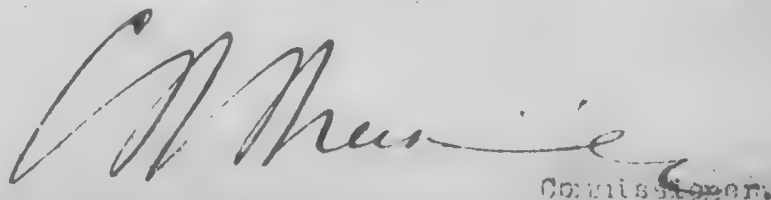
Con'r Brackinridge: The applicant applies for the enrollment of himself, his wife and three children; he is identified on the roll of 1896 as a Native Cherokee; he states that he has lived in the Cherokee Nation all his life, but he cannot be identified on the roll of 1896; he will be listed now for enrollment as a Cherokee by blood on a doubtful card, to await his identification on the roll of 1896 or more satisfactory proof of his nativity and claim to citizenship through Cherokee blood;

His wife is shown to have married him in 1893; she is identified with him on the roll of 1896; they have lived together ever since their marriage, and she will now be listed on a doubtful card as a Cherokee by blood;

Their child, Mary B. is identified on the roll of 1896; she is living now and she will be listed on a doubtful card as a Cherokee by blood; when the Commission is presented with certificates of birth for the two younger children named in the testimony, they also will be listed for enrollment as Cherokees by blood on a doubtful card; the applicant is required to prove satisfactorily identify himself with respect to his earlier history.

J.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10 day of October 1900.


 Commissioner.

(COPY)

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct. 10, 1900 1900.
Name Charles Colston Bartlesville, I. T.
District Cooweescoowee Year 1896 Page 136 No. 1118
Citizen by blood Yes 1/4 Mother's citizenship Mack Colston
Intermarried citizen No Jennie
Married under what law _____ Date of marriage _____
License _____ Certificate _____
Wife's name Annie Colston
District Cooweescoowee Year 1896 Page 300 No. 265
Citizen by blood No Mother's citizenship _____
Intermarried citizen Yes
Married under what law _____ Date of marriage 1893

License _____ Certificate _____
Names of Children:
3. Mary A. Colston Dist. Cooweescoowee Year 1896 Page 136 No. 1119 Age 5
4. Bertha M. Dist. _____ Year _____ Page _____ No. _____ Age 3
5. Albert Dist. _____ Year _____ Page _____ No. _____ Age 2 mo
Dist. _____ Year _____ Page _____ No. _____ Age _____
Dist. _____ Year _____ Page _____ No. _____ Age _____
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Dist. _____ Year _____ Page _____ No. _____ Age _____
Dist. _____ Year _____ Page _____ No. _____ Age _____
Dist. _____ Year _____ Page _____ No. _____ Age _____
Dist. _____ Year _____ Page _____ No. _____ Age _____

4. and 5. affidavits to be supplied.

Identification on 1880 roll or proof of nativity to be supplied.

D-556

60
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 15 1900

 ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I. T., Oct 26-31, 1900.

In the matter of the enrollment of Charles Colston's family as Cherokee citizens. Geo. W. Baker, being sworn, deposes that by Commissioner Breckinridge testified as follows:

- Q Give me your full name. A George W. Baker.
- Q You want to give some additional testimony in the enrollment of Charles Colston for himself and family? A Yes sir.
- Q What is your age? A 50.
- Q What is your post-office? A Bartlesville.
- Q How long have you lived in the Cherokee Nation? A I have been here since 1871.
- Q Can you assist us in identifying Charles Colston on the roll of 1880? A I can identify Charlie Colston, but I don't know how it is he was left off of the roll of 1880; the only way I can account for it was that his parents was a little careless in giving in the names, - his grandfather rather.
- Q How long have you known him in the Cherokee Nation? A Since he was a little boy I suppose about two or three years old.
- Q What is his present age, about 28 or 30? A I should judge so.
- Q Has he always been recognized as a Cherokee citizen? A Yes sir.
- Q Has he exercised all the rights of Cherokee citizens? A Yes sir.
- Q Voted at the elections? A Yes sir.
- Q Did you know his mother? A Yes sir.
- Q Was she a full-blood Cherokee or what was she? A No I don't know whether she was a full-blood or not, about three quarters I should judge.
- Q She was recognized as a Cherokee woman by blood? A Yes sir.
- Q You feel no doubt whatever of the nativity of Charles Colston to the Cherokee Nation? A Yes sir, I have no doubt in the world but that he is a Cherokee Indian.
- Q Always understood he was born here? A Yes sir.
- Q And lived here all his life? A Yes sir.
- Q What is your business in the Cherokee Nation? A General merchandise and cattle.
- Q You have been in business ever since you came to the Cherokee Nation have you? A Most of the time, yes sir.

WILLIAM JOHNSON, being sworn and examined by Com'r Breckinridge, testified as follows:

- Q Give your full name. A William Johnson.
- Q What is your post-office? A Bartlesville.
- Q How old are you? A 43 years old.
- Q How long have you lived in the Cherokee Nation? A 25 years.
- Q Do you know Charles Colston? A Yes sir.
- Q How long have you known him? A I have known him ever since I have lived over in this ~~sandy~~ part of the country; I lived here in 1882.
- Q Has he always been recognized as a Cherokee citizen? A Yes sir.
- Q You know of any reason why he should not be on the roll of 1880? A No sir.
- Q I don't unless it is carelessness on the part of his parents or the census takers.
- Q You know his wife Annie? A No sir. I know he is married, but I don't know his wife.
- Q You have never known him to have but one wife? A That's all.
- Q You know he has lived all his life in the Nation? A Yes sir.
- Q Has he always been looked upon as a native of the Cherokee Nation? A Yes sir.
- Q Never lived anywhere else? A No sir.
- Q Only he worked back and forth part of the time in the Osage Nation but he has always lived here.

Q Permanent residence here? A Yes sir.

Con'r Breckinridge: This evidence seems to definitely identify Charles Colston as a native of the Cherokee Nation, and the witnesses are recognized in this community as responsible men, and the evidence will be placed with the ~~text~~ file of Card D 556.

A. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. D. Green

Subscribed and sworn to before me this 12th day of October 1900.

C. H. Thurman
Commissioner.

Cherokee D 556

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Charles Colston for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:

Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 12, 1902; that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory on the 1st day of March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 1st of March, 1902, appears in person.

CHARLES COLSTON, being first duly sworn and being examined testified as follows:

BY COMMISSION:

- Q What is your name? A Charles Colston.
Q How old are you? A Thirty years old, I was born in '70.
Q What is your post-office address? A Bartlesville.
Q You are an applicant before the Commission for the enrollment of yourself as a citizen of the Cherokee Nation? A Yes sir.
Q Is there any other statement you want to make about your application before the Commission? A No I guess not.
Q Do you submit the case to the Commission for final consideration?
A Yes sir.

BY COMMISSION: There is offered in evidence a marriage certificate signed by John Sarcoxie, Minister of the Gospel, showing that Charles Colston and Annie Swank were united in marriage on the 30th day of June, 1893; this is filed herewith.

BY MR. HASTINGS:

- Q Is that your first marriage? A Yes sir.
Q Was this woman ever married before she ~~you~~ married you? A No sir.
Q Never had any children? A No sir.

BY COMMISSION: The applicant on behalf of himself wife and children, and the representative of the Cherokee Nation present submit this case to the Commission; same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the five Civilized tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this March 1st, 1902.



Commissioner.

IN RE
THE DEATH OF

William J. ...
a citizen of the

Nation.

Approved: MAR 10 1902

W. J. ...
Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

Liberty Burton

(Here insert name of deceased.)

a citizen of the

Lehigh

Nation, who formerly resided at or near

Bartholville.

(Here insert name of post office.)

, Ind. Ter., and died on the 25 day of

Jan

1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northwestern

District.

I,

Charles C. Johnston

on oath state that I am 30

years of age and a citizen, by

blood

of the

Cherokee

Nation;

that my post office address is

Barthlesville

(Here insert name of post office.)

Ind. Ter.; that I am

the father

of

Albert C. Johnston

(Here insert name of deceased.)

(State relationship, as: the father, an uncle, a cousin, etc.)

who was a citizen, by

blood

of the

Cherokee

Nation;

and that said

Albert C. Johnston

(Here insert name of deceased.)

died on the 25 day of

January

1901.

X Charles C. Johnston
mark

WITNESSES TO MARK.

(Must be Two
Witnesses.)

Daniel Cato.
Geo M. Vandave.

Subscribed and sworn to before me this 5 day of March 1902

Terre E. H. Geo W. M. Turcill
Feb 14 1904

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northwestern

District.

I,

R. W. Reed

on oath state that I am 44

years of age, and a citizen, by

blood

of the

Cherokee

Nation;

that my post office address is

Barthlesville

(Here insert name of post office.)

Ind. Ter.;

that I was personally acquainted with

Albert C. Johnston

(Here insert name of deceased.)

who was a citizen, by

blood

of the

Cherokee

Nation;

and that said

Albert C. Johnston

(Here insert name of deceased.)

died on the 25 day of

January

1901.

X R. W. Reed
mark

WITNESSES TO MARK.

(Must be Two
Witnesses.)

Daniel Cato.
Geo M. Vandave.

Subscribed and sworn to before me this 5 day of March 1902

Terre E. H. Geo W. M. Turcill
Feb 14 1904

Notary Public.

12 10 56

32

IN RE
THE DEATH OF

Anna G. L. L.
a citizen of the

Nation.

Approved _____ 1900

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Annie Colston
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near
Partlesville, I T, Ind. Ter., and died on the 23 day of
(Here insert name of postoffice.)
March, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Charley Colston, on oath state that I am _____
years of age and a citizen, by Blood, of the Cherokee Nation;
that my post office address is Barthesville, Ind. Ter.; that I am
the husband of Annie Colston,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Annie Colston died on the 23 day of
March, 1902.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

J. Keeler My com ex 5/1/03
John Pappin

Subscribed and sworn to before me this 18 day of Sept, 1902.

J. Keeler

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, ~~A. S. Smith~~ Geo B Keeler, on oath state that I am 52
years of age, and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Barthesville, Ind. Ter.;
that I was personally acquainted with Annie Colston,
(Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Annie Colston died on the 23 day of
March, 1902.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 18 day of Sept, 1902.

J. Keeler

Notary Public.

My com ex 5/1/03

Cherokee D 556

WHAT, THEREFORE, GOD HATH JOINED TOGETHER, LET NOT MAN PUT
.....ASUNDER.....

This Certifies,
That Charles Gelston (and) Annie Swank
of Cherokee Nation of Chautauqua
Ind Terr Kansas C O
were united in
Marriage

By me, according to the ordinance of God and the Laws of the
Cherokee Nation at _____ on the 30th day of June 1893 in the
year of our Lord One Thousand Eight Hundred and Ninty-----

John Sarcoxie
Minster of the Gospl

Copy
Witnesses : (Mrs Sarcoxie
(Jennie Goodhue

Muskegee, I. T., June 3, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five
Civilized Tribes, do hereby certify that the above is a true and
correct copy of a Marriage Certificate now on file in the office of
the Commission.

H M Vance

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles Colston and his minor children, Mary Susan, Bertha May and Alberty Colston, as citizens by blood, and for the enrollment of his wife, Annie Colston, as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 10, 1900, Charles Colston appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of himself and his minor children, Mary Susan, Bertha May and Alberty Colston, as citizens by blood, and for the enrollment of his wife, Annie Colston, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Bartlesville, Indian Territory, on October 11, 1900, and again at Muskogee, Indian Territory, on March 1, 1901.

The evidence in this case shows that Charles Colston, at the time of this application, was twenty-nine years of age. He is not identified on the Cherokee authenticated roll of 1890. His father having died before this time, his enrollment was entrusted to his grand-father. For reasons which are not explained his name does not appear thereon. Testimony of competent witnesses, called for the purpose of establishing his citizenship, is deemed sufficient to establish his identity as a native Cherokee.

It is further shown by the evidence that the said Charles Colston was lawfully married, in accordance with the laws of the Cherokee Nation, on the 30th day of June, 1893, to one Annie Swank, a white woman. As a result of that marriage Mary Susan, Bertha May and Alberty Colston, were born. Charles Colston and his daughter, Mary Susan, are identified on the Cherokee census roll of 1895. Bertha May Colston was born on October 10, 1897. Alberty Colston was born on August 30, 1899, and both children are identified by certificates of birth made a part of the record herein.

The evidence further shows that Charles Colston has lived in the Cherokee Nation all his life, and was a resident therein on the date of this application. It is considered that the minor children have resided all their lives in the Cherokee Nation. It is further shown by affidavits made a part of the record herein, that his minor child, Alberty Colston, died on the 26th day of January, 1901, and that

do not, Annie Solsten, died on the 12th day of March, 1907.
It is the opinion of this Commission that Annie Solsten,
who was a daughter of a Swedish father, should be considered a
citizen by blood of the United States, in accordance with the Act
of Congress approved March 3, 1906, (34 Stat., 415), and it is, there-
fore, so ordered.

It is further ordered by this Commission that the applica-
tion for the enrollment of Annie Solsten be approved, and
the same is, hereby approved.

COMMISSIONER OF THE LAND OFFICE.

C. R. Macomber
COMMISSIONER.

Office of the Commissioner, Denver, Colorado,

March 10, 1907.

Cherokee D 556.

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Charles Colston, for the enrollment of himself and his two minor children, Mary S. and Bertha M. Colston, as citizens by blood of the Cherokee Nation, and dismissing his application for the enrollment of his wife, Annie Colston and his minor child, Alberty Colston.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tammie Taylor

Enclosure H. No.420.

Acting Chairman.

(COPY)

Cherokee D-556

Muskogee, Indian Territory, January 14, 1903.

Charles Colston,
Bartlesville, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting your application for the enrollment of yourself and your two minor children, Mary S. and Bertha M. Colston, as citizens by blood of the Cherokee Nation, and dismissing your application for the enrollment of your wife, Annie, and your minor child, Alberty Colston, they having died prior to September 1, 1902.

Respectfully,

Tams Bixby
Acting Chairman.

Enc. M-238

Register.

Cher R 813

Cher R 813

CHEROKEE



813

Thomas Riley et al

CHEROKEE



813

Denied

action approved by
Secretary of Interior
Jan. 24 - 1903

Cancelled and record
transferred to the Cherokee
10955,
transferred from Cherokee D-1353

Cher R 814

Cher R 814

Q

COMMISSION TO THE UNITED STATES OF AMERICA
1891-1892
1891-1892

[Faint signature]

Department of the Interior.
Commission to the Five Civilized Tribes.
Clarendon, I. T., October 22, 1900.

In the matter of the application of Joseph A. Teague for enrollment as a Cherokee citizen, he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What's your name? A Joseph A. Teague.
Q What's your age? A 70.
Q What's your postoffice address? A Clarendon, I. T.
Q Are you a recognized citizen of the Cherokee Nation? A Been so far.
Q By blood or intermarriage? A Intermarriage.
The applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to Nancy Scarcewater, a Cherokee by blood, on the 18th day of December, 1876.
Q Is your wife's name Nancy? A Yes sir.
Q What's her age? A Don't know sir.
Q Who do you desire to enroll? A Myself.
Q Is your wife living? A No sir, she's dead.
Q When did your wife die? A Don't know.
Q Within the last twenty-five or thirty years? A About fifteen years.
Q Is your name on the roll of 1896? A Yes.
Q Have you married since your wife's death? A No sir.
Q Been living continuously in the Cherokee Nation ever since? A Been to Kentucky once or twice on a visit. I went to settle up my father's estate. I married in Kentucky.
Q That was before you married a Cherokee woman? A Yes sir.
Q Did you ever have a family by the Cherokee woman? A No sir.
Q How long did you live with her before she died? A Seven months.
She quit me and went with another man and he told me to let her go.
Mr. Ross told me to let her go.
Q What was the name of the other man? A Kyle, I think is his name.
Q You married your wife in '76 did you? A Yes sir.
Q You lived with her about seven months? A Yes sir.
Q She left you? A She left me. Her mother died after we married and her father had been dead some time before, and they were to divide the cattle. She told me I should have nothing to do with it, that Kyle and she would take care of the cattle.
Q What was the cause of her leaving you? A Don't know.
Q Never married since that time? A No sir.
Q Lived all the time in the Cherokee Nation? A Its been my home. I visited in Kentucky to settle the estate.
Q Did you ever vote in Kentucky? A No sir.
Q Never voted after '76? A No, never did only in the Cherokee Nation.
Commissioner-


The name of Joseph A. Teague does not appear upon the authenticated roll of 1880, ~~neither~~ upon the Census roll of 1896. He presents ~~#####~~ certificate of marriage certifying that he was married to one Nancy Scarcewater, a Cherokee citizen by blood, in the year 1876, 18th day of December. He avers that he lived with her about seven months and that she left him, and has not lived with her since, and has not married since. The reason of the fact that the applicant does not appear upon any of the rolls of the Cherokee Nation; that he only lived with his wife seven months, and also on account of the provisions of Section 667 of the Cherokee laws under the compilation of 1892, final judgment as to the enrollment of the said Joseph A. Teague will be suspended and his name will be placed upon a doubtful card.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

2- J.A.T.

Subscribed and sworn to before me this 23rd day of October, 1900.


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 22 1900

ACTIVE CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date.. Oct 22 1900

Name Foster, PH (L) (A) (M) (C) all others 170

District _____ Year 18 Page _____ No. _____

Citizen by blood

Intermarried citizen 145 J

Married under what law _____ Date of marriage _____

License _____ **Certificate** _____

Wife's name

District _____ Year _____ Page _____ No. _____

Citizen by blood Mother's citizenship

Intermarried citizen.

Married under what law _____ **Date of marriage** _____

License Certificate

Names of Children:

 Dist. _____ Year _____ Page _____ No. _____ Age _____

| Dist. | Year | Page | No. | Age |
|-------|------|------|-----|-----|
|-------|------|------|-----|-----|

| Dist. | Year | Page | No. | Age |
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DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 22 1900

RECEIVED
OCT 22 1900

I do hereby certify that I have read
the above and find it correct.
Witness my hand and seal this 8th day
of September 1906.
Wm. H. Allen.

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 57TH STREET
CHICAGO, ILL. 60637
TEL. 733-4331
1968

1. The above sum of \$500.00 is to be paid to the City of New York for the purpose of purchasing the land for the proposed site of the new City Hall.

[illegible]

THE UNIVERSITY OF CHICAGO
LIBRARY

TO THE FIVE CIVIL
FILED
MAR 12 1962

COMMUNIST TO THE FIVE CIVILIZED
FILED
MAR 12 1962

[Faint, illegible handwritten notes]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JOSEPH A. TEAGUE as a citizen of the Cherokee Nation, introduced
on part of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. That on said day he could appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his case. He was further notified that the representatives of the Cherokee Nation would also on said date to-wit) the 6th day of March, 1902, be given an opportunity to disprove his right to enrollment, but that said representatives would be required to notify him of their intention to introduce such testimony before the same would be received by the Commission.

The Cherokee Nation makes satisfactory proof of service on the said Joseph A. Teague that it would by its representative introduce testimony tending to disprove his right to enrollment as a citizen of the Cherokee Nation at the offices of the Commission at Muskogee, Indian Territory, on the 6th day of March, 1902. The applicant having been called three times and failing to respond either in person or by attorney it is directed that said testimony be heard.

Mr. W. W. Hastings, Cherokee Representative, present.

MARY McCONNELL, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Mar McConnell.
Q What is your post office? A Vian.
Q You Cherokee by blood? A Yes, sir.
Q Did you know a man by the name of Joseph A. Teague? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was his wife's name? A Nan.
Q Nan Teague? A Yes, sir.
Q What was her name before she married him? A Scacewater.
Q Was she any kin to you? A My sister.
Q Did you ever live with them? A Yes, sir.
Q Do you remember about the time they were married?
A No, sir, I don't.
Q Has it been a good many years ago? A Yes, sir.
Q He says he married her in 1876 about 25 or 6 years ago; is that about right? A Yes, sir.
Q Well, how long did they live together as husband and wife?
A Six or seven months.
Q Where were they living, near Vian? A Yes, sir.
Q Well, were you there when they separated? A No, sir.
Q Which did the leaving? A Teague.
Q Where did he go, from when he left your sisters?
A I don't know where he went.
Q Didn't you ~~see~~ hear of him any more? A No, sir.
Q Just picked up and left the place? A Yes, sir.
Q Did he stop in the neighborhood or not, or did he go out of the neighborhood? A He left there.

- Q Left there entirely? A Yes, sir.
Q Lived with her about six months? A Yes, sir.
Q Don't you know where he went to? A No, sir.
Q Never saw him since? A Yes, sir, I have saw him since.
Q When did you see him? A About a year ago.
Q Well, now, up to a year ago did you ever see him? A No, sir.
Q You know what made him leave her? A No, sir.
Q Did he leave your sister down there where they were living?
A She was at my brothers.
Q And you don't know where he went to? A No, sir.
Q Where were you living at that time; at the time they separated,
you said you have been living with them? A Yes, sir.
Q Were you making that your home then? A Yes, sir.
Q But you wasn't there the day he went off were you?
A Not when he left her.
Q But you were making that your home? A Yes, sir.
Q You don't know where he went to? A No, sir.
Q And you never saw him until about a year ago? A No, sir.
Q He left the neighborhood down there? A Yes, sir.
- COMMISSION:
- Q How old did you say you were? A About 34.
Q Were you actually living with this Joseph A. Teague and your
sister when they separated; were you making that your home, were
you living there? A Yes, sir.
Q Were your father and mother living at that time? A No, sir.
Q Now, you stated a while ago that your sister was at her brother's
house when your sister's husband went away, how long had she been
there? A She just went over there a little while.
Q Was she on a visit there? A Yes, sir.
Q When she came back to her home was Teague gone then? A Yes,
sir.
Q You don't know of your own knowledge why they separated do you?
A No, sir.
Q You don't know when they separated A No, sir.
Q Did he ever come back and live with your sister after that,
that you know of? A No, sir.
Q You don't know anything about the separation at all, whether they
had any trouble before? A No, sir.
Q You were about eight years old at that time; were you very small
girl? A Yes, sir.

Commission: In view of the fact that the applicant has
been called and duly notified that this case would be taken
up for final consideration on the 6th day of March, 1902,
and having failed to appear, it is directed that the case be
closed and that the same be reported to the Commission for a
final ~~xxx~~ decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, do hereby certify upon my official oath as
stenographer to the Commission to the Five Civilized Tribes that I
correctly recorded the testimony and proceedings in this case, and
that the foregoing is a true and complete transcript of my steno-
graphic notes thereof.

J. O. Rosson
Stenographer.

Cher
Supp'l to D 663.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1902.

In the matter of the application of JOSEPH A. TEAGUE, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

EMMA TERRELL, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Emma Terrell.
- Q How old are you ? A About thirty two years old.
- Q Are you a citizen by blood of the Cherokee Nation ? X
- A Yes sir.
- Q Do you know Joseph A. Teague, who is an applicant for enrollment?
- A Yes sir.
- Q Is he a white man ? A Yes sir.
- Q What was his wife's name ? A Nan Scacewater.
- Q Was his wife Nan Scacewater a citizen by blood of the Cherokee Nation ? A Yes sir.
- Q Do you know anything about his marriage to his wife ?
- A No sir.
- Q Are you any relation to his wife ? A None.
- Q Did you know Joseph A. Teague and his wife Nan when they were living together ? A Yes sir.
- Q How long, do you know, did they live together after they were married ? A Why I don't know just how long.
- Q How old were you at that time ? A I don't know.
- Q Did he and his wife finally separate ? A Yes sir.
- Q Do you remember when they separated ? A Yes sir.
- Q Where were you living when they separated ?
- A We were living about three miles from them.
- Q How long has it been since they separated ?
- A I don't know.
- Q About how long ? A I don't know; I don't have no idea, but I guess its been over twenty years.
- Q About how old were you when they separated ?
- A I don't know how old I was.
- Q Do you remember very distinctly when they separated ?
- A I remember very distinctly when he went off and never did come back, I was staying there then.
- Q At the house with her ? A Yes sir.
- Q Were you eight or ten years old ?
- A No sir, I wasn't that old.
- Q Yet you remember he said he was going away ? A Yes sir.
- Q Where did he say he was going ? A I don't know.
- Q Did you hear him and his wife have any trouble while you were there ? A No sir.
- Q They seemed to get along nicely ? A Yes sir.
- Q Did he just pick up and leave the house ?
- A He went away horse-back.
- Q Did he say anything to her about going away before he left ?
- A I don't know anything about that.
- Q How long did she live there after they separated ?
- A I don't remember; we lived there as long as we had anything to live on, and after the provisions were all out we went up to my father's and stayed there.
- Q You were no relation of hers ? A No sir, only a neighbor.
- Q And when the provisions ran out she went up and stayed at your father's ? A Yes sir, and then went to her mother's.

Q How long before she died ? A I don't know.
Q She has been dead a great many years hasn't she ?
A I don't know how long she has been dead. She's been dead a good while.
Q Do you want us to understand at this time that you, a girl, less than ten years old, remember distinctly of his riding off and leaving his wife ? A And never coming back; yes sir.
Q Did you ever hear of his coming back to her after he went off that time ? A He come back to the country, but I don't know whether he ever saw her any more.
Q Did he ever live with her any more ? A No sir.
Q He never did ? A No sir.
Q You didn't hear him say why he left ? A No sir.
Q How long was he gone before he came back to the country ?
A I don't know; I never knew anything about them after that.

Examined by J. C. Starr:

Q You were staying at the house when he left ? A Yes sir.
Q You know he went off and left Mrs. Teague ? A Yes sir.
Q You know that she didn't go off with another man ?
A No sir, there was no one else on the place but us.
Q Did you know a Mr. Kyle ? A No sir.
Q You know she didn't go off with Kyle instead of Teague leaving her ? A Yes sir.
Q How long did you stay there ? A I don't know; I know we stayed there until the provisions were out.
Q Do you remember anything she said about his leaving ?
A No sir.
Q Did she cry ? A Yes sir, she seemed like she was in lots of trouble. I seen her crying.

MARY C. WATERS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Mary C. Waters.
Q How old are you ? A I am forty four.
Q You are a Cherokee citizen, are you ? A Yes sir.
Q Where do you live ? A I live at Vian.
Q Did you know Joseph A. Teague ? A Yes sir, I seen him once or twice.
Q Did you know his wife ? A Yes sir.
Q What was her name ? A Nan Scacewater.
Q Did you know them while they were living together as husband and wife ? A Yes sir.
Q How long after they were married did they live together ?
A About three or four months.
Q Then did they separate ? A Yes sir.
Q How near fif you live to them ?
A I declare I don't believe I can tell you, about three or four miles.
Q Did you visit with his wife occasionally ?
A She visited me pretty often.
Q You say they lived together three or four months ? A Yes sir.
Q What became of Teague after they separated ?
A I don't know sir, I never did hear of him any more after he left.
Q Do you know anything about the cause of the separation ?
A No sir, I don't know a thing on earth about it.
Q When he left what did his wife do ?
A She went to her mother's.
Q How long after he left ? A I don't believe I can tell you that. About a week or two; she come to my house, her and her brother, on

her way to her mother's, and she told me while she was there that her husband had left her, and she didn't know for what cause.

Q Did he go away and leave her on the place ? A Yes sir.

Q Did you ever see her on the place after he left her ?

A I never did go to her place.

Q When you saw her she told you that her husband had left her ?

A Yes sir.

Q How long before you heard anything of Teague ?

A I never did hear anything of him any more until here lately. Until he begun to try to fix his rights.

Q Did you see her frequently after this ? A Yes sir, I was acquainted with her well, and we were girls together, she married three weeks before I did.

Q Do you know whether or not after she came to your house and told you her husband had left her, do you know whether or not he ever lived with her any more?

A He never did; he never saw the face of that woman again.

Q You don't know of he ever wrote to her ?

A She never did get a scratch of the pen from that man, for she talked to me about it frequently, and she cried and wondered why he left her.

Examined by J. C. Starr:

Q Could Mrs. Teague read ? A Yes sir.

Q Could she write ? A Yes sir, a little.

Q You say Mr. Teague went off and left her at home where they were living ? A Right at home.

Q You are sure he went off ? A That's what she told me.

Q Did you know a man named Kyle ? A I knew him well.

Q Did she go off with him ? A No sir.

Q If Mr. Teague testified she went off with Kyle, he was mistaken ?

A Yes sir, he is badly mistaken.

Q You know she never went off with any other man ?

A She never went off with no man.

By the Commission:

Q How long has Nan Teague been dead ? A Eight years.

Q How long after this separation from Teague did she die ?

A It might have been four or five years, I don't know just exactly.

Q And you are sure and positive that during the time she was alive Teague never made any effort to get her to live with him ?

A No sir, he never, for I would have knew it if he had. The last time I was with her she told me she never had heard a word from him.

GEORGE WATERS, called as a witness, being duly sworn and examined, testified as follows:

Examined by J. C. Starr:

Q What is your name ? A George Waters.

Q What is your age ? A About fifty four.

Q What is your post office address ? A Vian.

Q Did you know Nan Scacewater during her lifetime ? A Yes sir

Q Did you know a man named Joseph A. Teague ?

A Yes sir, I knew him.

Q Did you know them while they were living together as husband and wife ? A Yes sir, they lived together a while.

Q Do you know what became of Teague ? A No sir, we never did know what became of him until this case came up.

Q Did he leave this woman or did she leave him ?

A The understanding was that he abandoned her.

Q Just picked up and left ? A Picked up and left.

Q Where was he living at the time he left ?

A In the bottom on the Rogers place.

Q What became of Nan after he left ?

A She kept house a little while, and then she moved over to her mother's, to the old place where she come from with her brothers and sisters.

Q Did she continue to live in that country until she died ?

A Yes sir.

Q Teague never did come back in her lifetime ? A No sir.

Q Did you know a man named Kyle ?

A I knowed him well, yes sir.

Q Did she ever run off with a man named Kyle ?

A There never was such a report in that country.

Q You know that Teague left her and not her him ? A Yes sir.

By the Commission:

Q How long did Teague and his wife live together after they were married ? A It's pretty hard to say.

Q What is your judgment ? A I suppose it was about, it might have been six months or it might have been three months. A body can't really say.

Q Did he go off and leave the country ? A Yes sir.

Q Now did his wife stay there on the place ?

A If he had ever come back we would have knowed something about it, but we never heard of him any more until this case come here. It surprised me to know that he was living.

Q Did his wife stay there at the place where they were living after he went away and left her ?

A Yes sir, she stayed there, and also at my house a while.

Q How long did she stay on that place where they were living when he left ? A I can't say and be positive.

Q How long is your judgment ? A Probably two or three weeks.

Q She left there and came down to your house ?

A No sir, she went to her mother's, but she worked out at places, and my wife hired her.

Q That was sometime after he had gone away ? A Oh yes sir.

Q Up to the time of her death Teague never had shown up ?

A No sir, if he was in that country I don't know it. Of course he might have been there but I don't know it.

Q You know as a matter of fact that he and his wife never lived together after that ? A No sir, they never lived together again.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this November 4, 1902.

B. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph A. Teague for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 22, 1900, Joseph A. Teague appeared before the Commission at Claremore, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. On March 6, 1902, before the Commission, at its office in Muskogee, Indian Territory, the Cherokee Nation, upon due notice to the applicant, submitted further evidence relative to this application.

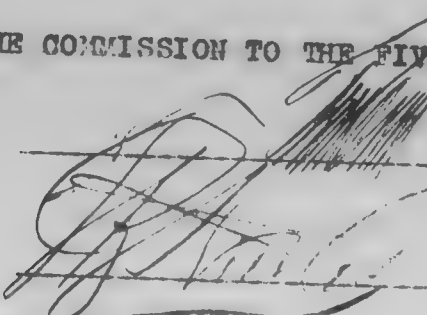
The evidence shows that Joseph A. Teague was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on December 22, 1876, to Nancy Searcewater, a citizen by blood of the Cherokee Nation. It appears that he lived with his said wife about seven months and then abandoned her. He is not identified upon any of the Cherokee tribal rolls.

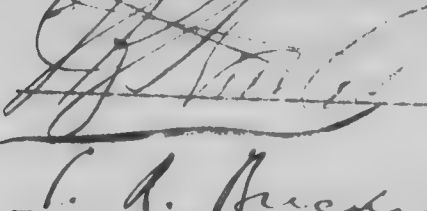
Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws." Section 667 of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

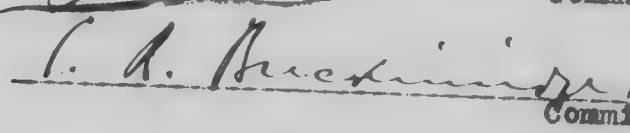
"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Joseph A. Teague as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 20 1902

202
22

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CHEROKEE TRIBES.

In the matter of the application of Joseph A. Teague for
enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 22, 1902, Joseph A. Teague appeared before the Commission at Claremore, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. On March 6, 1902, before the Commission at its office at Muskogee, Indian Territory, the Cherokee Nation, by its attorney, submitted further evidence relative to this application. On July 28, 1902, the Commission rendered a decision in the matter of said application and transmitted the same to the Secretary of the Interior for his approval. Said decision was not approved but on September 25, 1902, the Secretary of the Interior returned the record heretofore for further investigation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 21, 1902.

The evidence shows that Joseph A. Teague was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on December 22, 1876, to Nancy Seacrest, a citizen by blood of the Cherokee Nation. It appears that he lived with his said wife about seven months following their marriage. He is not identified on any of the Cherokee tribal rolls. In its decision of July 28, 1902, the Commission found that the said Joseph A. Teague abandoned his wife, Nancy Teague nee Seacrest, through whom he claims the right to enrollment as an intermarried citizen of the Cherokee Nation, and the evidence offered on October 21, 1902, appears to confirm that finding.

Section twenty-one of the Act of Congress approved June 22, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 687 of the Compiled Laws of the Cherokee Nation (1892), is as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

The Commission is of the opinion that Joseph A. Teague abandoned his said wife within the meaning of the provision of Cherokee laws above quoted, and that his application for enrollment as a

citizen by intermarriage of the Cherokee Nation should therefore be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this DECEMBER 10 1902

20 2663

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 17 1902

[Handwritten signature]

COMMISSIONERS.
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 15, 1902.

Mr. Joseph A. Teague,

Claremore, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the sixth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-663
Register.

Yours truly,

Acting Chairman
Commissioner in Charge.

9

20663.

RECEIVED
COMMISSIONER TO THE CIVILIZED TRIBES
FILED
FEB 17 1902

D. 66

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to W. H. H.
.....

on the day of March A. D. 1902
Henry Pack

Subscribed and sworn to before me
this FEB 17 1902

C. Starr
Notary Public.

NOTICE!

IN THE MATTER OF the application of Joseph A. Teague,
for enrollment as Cherokee citizens
Case No. D 663
To Joseph A. Teague,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 6th 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb 17th 1902.

M. W. Hastings
Attorneys for the Cherokee Nation.

COPY

Cherokee D 665.

Muskogee, Indian Territory, July 29, 1902.

Joseph A. Teague,

Claremore, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

J. E. Needles

Commissioner in Charge.

Register.

Enc. C. No. 72.

CCF

Cherokee D 663.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Joseph A. Teague for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

J. B. Seale

Commissioner in Charge.

Enc. C. No. 70.

COPY
Cherokee D 663.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Joseph A. Teague for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

Charles
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 74.

Refer in reply to
the following:
Land
45882-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, August 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Joseph A. Teague for enrollment as an intermarried citizen of the Cherokee Nation.

The evidence shows that applicant was married in accordance with Cherokee laws December 22, 1876, to Nancy Scarceater, a Cherokee citizen; that he lived with her about seven months and then abandoned her. His name does not appear on any of the Cherokee tribal rolls.

The Commission is of the opinion that he abandoned her and for that reason declined to place his name on the Cherokee rolls.

The applicant testified that he was married in December 18, 1876, and lived with his wife about seven months when she left him and went with another man by the name of Kyle; also that he had never married since that time.

The Commission was not satisfied and appointed a further hearing for March 6, 1902, upon which date the applicant did not appear.

Mary McConnell, the sister of applicant's deceased wife,

testified that she lived with Teague and his wife at the time of the separation, and that Teague left his wife. She was at that time about eight years old and seems to have very little knowledge about the matter. She does state, however, that when the husband left the wife was at her brother's house where she had gone "for a little while." She further testified that she did not know why they separated.

The office does not believe that the testimony of Mary McConnell is entitled to any weight. She was a little girl of eight years, knew nothing of the cause of separation and testified that her sister was at a brother's house when the applicant left. This seems to bear out the applicant's statement that his wife left him.

Not taking into consideration the testimony of Mary McConnell, which as before stated the office believes is not entitled to any weight, Teague has made out a prima facie case, and the office recommends that the Commission be directed to place the applicant's name on the Cherokee roll unless the Department should be of the opinion that a further hearing should be had.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

D. C. No. 16384-1902.

477

L. R. S.

57373

EAF.

ITD. 4960-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 25, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 29, 1902, you transmitted the record in the matter of the application for enrollment of Joseph A. Teague, as an intermarried Cherokee citizen.

It is shown that Teague was lawfully married in accordance with Cherokee laws, in 1876, to a citizen by blood of the Cherokee Nation. He is not identified on any Cherokee roll. You held July 29, 1902, that the evidence showed that Teague, after living with his wife seven months, abandoned her, and you rejected the application, referring to section 667 of the compiled laws of said nation, which provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

February 16, 1902, you advised the party that the nation would on March 6, 1902, submit testimony, and that he would be given an opportunity to be heard at that time if he so desired.

Submitting the case August 13, 1902, the Acting Commissioner of Indian Affairs recommended that your decision be not approved, stating that he did not consider that the testimony of Mary McConnell was entitled to any weight as she was only eight years of age at the

time of the separation of Teague and his wife, and could necessarily have but little knowledge about the matter.

The Department is not satisfied with the record as presented. The applicant testified that he was duly married to Nancy Scacewater, a Cherokee by blood, on the 18th day of December, 1876, and that his wife has since died; also, that he lived with his wife seven months when she "quit" him, and in response to the question, "What was the cause of her leaving you," he answered "I don't know." It also appears that the applicant was notified by registered letter on February 15, 1902, that testimony would be received on the part of the Cherokee Nation against allowing his application, on the 6th day of March, 1902, and that the applicant could appear either in person or by attorney and offer any testimony in support of his application. It also appears that he was duly notified by the Cherokee Nation of its intention to introduce testimony on that date, and that the applicant failed to appear either in person or by attorney.

The nation introduced one witness, Mary McConnell, who is the sister of the deceased wife of the applicant. She testified to the marriage in 1876, that she lived with the applicant and his wife at the time they separated, that the applicant left his wife and the neighborhood in which he lived, and that she does not know what made the applicant leave his wife.

It further appears that the witness is 34 years of age, and that the acts concerning which she testified occurred when she

- 3 -

was about eight years old. The Department is not prepared to say that the testimony of this witness is of no value. The Commission presumably had the witness before it and could have observed her manner upon the stand, and the Department is unwilling to reverse the Commission on a question of fact where the evidence is contradictory. It is of the opinion, however, that a further examination should be had in this case, as it appears from letters received by the Department that the applicant is still in the Territory.

You will accordingly make a further investigation in the matter after giving notice both to the applicant and to the nation, and seek to ascertain, if possible, beyond question the fact relative to the separation of the parties, and whether the applicant abandoned his wife.

The record is returned, together with a copy of the report of the Acting Commissioner.

Respectfully,

Thos Ryan

Acting Secretary.

2 inclosures.

EMD

Cherokee D 663.

Muskogee, Indian Territory, October 6, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 25, 1902, the Secretary of the Interior remanded the record of the proceedings, including the decision of the Commission, dated July 29, 1902, in the matter of the application of Joseph A. Teague for the enrollment of himself as a citizen of the Cherokee Nation, in order that additional testimony may be introduced, showing, beyond question, the facts relative to the separation of the applicant from his wife, and whether or not he abandoned her.

In accordance with said instructions, you are hereby notified that you will be given an opportunity to introduce such testimony as you desire at the office of the Commission, at Muskogee, Indian Territory, on Friday, October 31, 1902.

The applicant has this day been notified of the action of the Department.

Respectfully,

Acting Chairman.

Cherokee D 663.

Muskogee, Indian Territory, October 6, 1902.

Joseph A. Teague,
Claremore, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 25, 1902, the Secretary of the Interior remanded the record of the proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, in order that you may be afforded an opportunity to introduce further testimony showing the exact cause of your separation from your wife, and whether or not you abandoned her.

In accordance with said instructions, you are hereby notified that you will be allowed to introduce such testimony as you deem necessary at the office of the Commission, at Muskogee, Indian Territory, on Friday, October 31, 1902.

The representative of the Cherokee Nation has this day been notified of the action of the Department.

Respectfully,

Register.

Acting Chairman.

EXED.

11/11/02

OCT 23 1902

Teasdale, J. A.,
Philadelphia, Penn.,
October 23, 1902.

RECEIVED

Says he has no more
evidence to offer.

Hotel Ford.
W. Hopkins, Proprietor,
21 South Third St.

Reader,
Newark Ohio, Oct 3 1902

I am Comd'ing
Sir - I received a
notice to appear before
your Court the 31.

I have no more
evidence to offer

and as you turned
out the evidence of a 5
year old child and
she was not there and
only saw by Hearsay -
that is not the case
it is only for me to
try any further you can
recommend my case and
give your best
accordingly

G A Tregul

Cherokee D-633.

Muskogee, Indian Territory, December 20, 1902.

Joseph A. Teague,
Claremore, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of supplementary proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated December 10, 1902, rejecting your said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. H-390.

Register.

COPY.

Cherokee D-633.

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Joseph A. Teague for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. H-391.

COPY.

Cherokee D-633.

Muskogee, Indian Territory, December 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of September 25, 1902 (I.T.D.4960-1902), remanding the record of proceedings had in the matter of the application of Joseph A. Teague for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, in order that the Commission might ascertain if possible, beyond question, the facts relative to the separation of Teague and his wife, and whether the applicant abandoned her.

In reply I have the honor to report that on October 6, 1902, the applicant and the representative of the Cherokee nation were notified that the Commission would hear the testimony of such witnesses as might present themselves at its office, October 31, 1902. On said date further proceedings were had in the matter of this application.

There is herewith transmitted the record of proceedings had in the matter of the application of Joseph A. Teague for the enrollment of himself as a citizen by intermarriage of the Cherokee

-2-

Nation, including the decision of the Commission, dated December 10, 1902, denying said application.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Enc. H-392.

-Copy-

Refer in reply
to the following:
Land
76077-1902

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan.17,1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Joseph A. Teague for enrollment as a citizen by intermarriage of the Cherokee Nation.

The record shows that on July 29, 1902, the Commission rendered a decision adverse to the applicant and forwarded the record to the Department; and afterwards the case was returned to the Commission for further hearing.

The record further shows that on December 10, 1902, the Commission rendered a second decision herein, finding from the facts disclosed at said hearing, that the applicant has heretofore abandoned his Cherokee wife within the meaning of the Cherokee law, and that by reason thereof, his application should be denied ⁱⁿ conformity to section 667 of the compiled laws of the Cherokee Nation (1892), which provide -

"Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this Nation."

-2-

The office considers, upon examination of the record evidence herein, that the ^{said} decision is in conformity with the facts and supported thereby, and therefore respectfully recommends that the same be affirmed by the Department.

Very respectfully,

W.A.JONES,
Commissioner.

W.C.B.

L.

D.C.2569-1903

J.P.

DEPARTMENT OF THE INTERIOR.

EAF

WASHINGTON.

ITD 4960-1902
488-1903.

January 24, 1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

The Department is in receipt of your letter of December 20, 1902, resubmitting the case (D 663) of Joseph A. Teague, applicant for enrollment as an intermarried citizen of the Cherokee Nation, the case having been remanded for further hearing by departmental letter of September 25, 1902, and a hearing had October 31, 1902.

It appears, as stated in your decision of December 10, 1902, that Teague was lawfully married in accordance with the laws of the Cherokee Nation on December 22, 1876, to Nancy Scarcewater, a citizen by blood of said nation; that he lived with her about seven months following their marriage; that he then abandoned his wife. He is not identified on any of the Cherokee rolls. Referring to section 21 of the act of June 28, 1898 (30 Stat., 495), and to section 667 of the Compiled Laws of the Cherokee Nation (1892), which is as follows:

"Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation,"

you held that Teague abandoned his wife within the meaning of said provision of the Cherokee laws, and that his application for enrollment as a citizen by intermarriage should therefore be denied.

Reporting ^{the} the matter January 17, 1903, the Commissioner of Indian Affairs recommends that your decision be concurred in. A copy of his letter is herewith enclosed.

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee D-663

Muskogee, Indian Territory, February 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Joseph A. Teague for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 24, 1903.

Respectfully,

Wm. Lloyd
Acting Chairman.

Cherokee D-663

Muskogee, Indian Territory, February 4, 1903.

Joseph A. Teague,

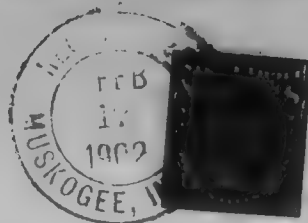
Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 24, 1903.

Respectfully,

Acting Chairman.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

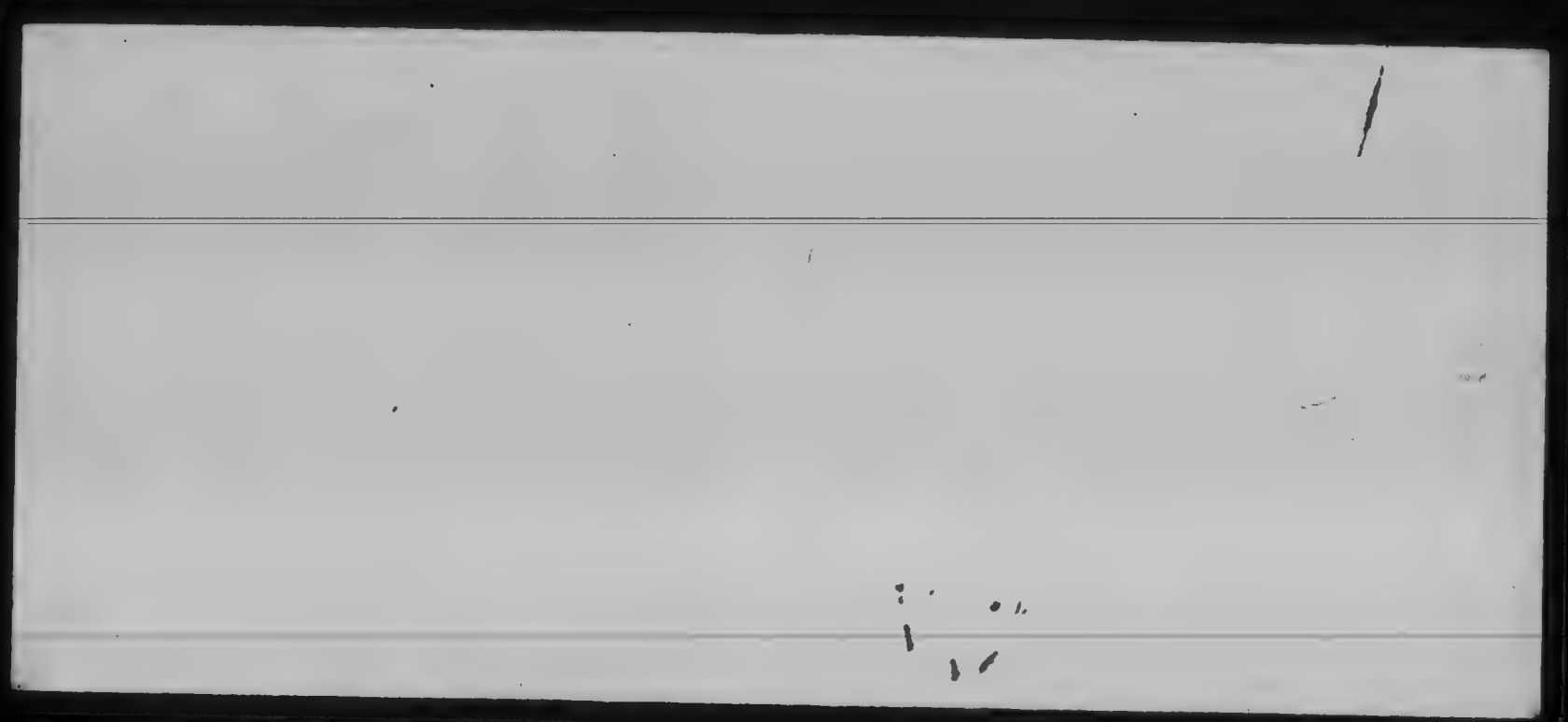
Penalty for private use, \$300.

1818

REGISTERED
MAR 1902

88
—
84

~~Mrs. Josephine~~
~~Olson~~
~~Clatsop, Indian Territory.~~



Cher R 815

Cher R 815

CHEROKEE

R 815

Berley E. Henry, et al

Mr. R 815

Transferred from Cher.
D-83: Jul. 22, 1905
Cancelled and record.
Transferred to Cherokee No. -10931

CHEROKEE CASE

No. D-831

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN THE MATTER OF THE
APPLICATION FOR ENROLLMENT
OF

Herley E. Geuy

Charles Geuy

ASG 1902

Enrollment of
Herley E. Geuy

As citizen of the Cherokee Nation.

Muskogee, I. T., July 29, 1902 190

Respectfully forwarded to the Secretary of the Interior
for review.



Acting Chairman.

Cher R 816

Cher R 816

170
67

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 21 1900

 ACTING CHAIRMAN 

Department of the Interior.
Commission to the Five Civilized Tribes.
Cherokee, T. T., November 20, 1900.

In the matter of the application of Thomas J. Tarpley for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner C. B. Brantley, testified as follows:

- Q Give me your full name. A Thomas J. Tarpley.
Q How old are you? A 39 years old.
Q What is your postoffice? A Fairland.
Q You live in Delaware district? A Yes sir.
Q Who do you want to have enrolled? A Myself.
Q Are you a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q Let me see your marriage license and certificate.
The applicant presents an official copy of the records of Cooweescoowee district showing that license was issued to him on June 6, 1893, to marry Miss Lydia M. Clark, and they were united in marriage on the 11th day of the same month and within the same year. This is filed herewith.
Q Is your wife living or dead? A She's living.
Q How long did you live with her? A Five years.
Q And then you and she separated? A Yes sir.
Q Have you lived in the Cherokee Nation ever since you married her in 1893? A No, I lived in Muskogee part of the time.
Q What part of the time? A When I was married we went to Muskogee and we lived there in 1893, and then 1894 we came to the Cherokee Nation. Then we went to Claremore. We went back to Muskogee again.
Q When did you go back to Muskogee? A In 1895.
Q How long did you stay there? A About a year, then we came back to the Cherokee Nation again and were in the Cherokee Nation when we separated.
Q Have you lived in the Cherokee Nation ever since you separated from her? A Never lived anywhere else except this summer; I was in bad health and went out west for a while, never carried even my trunk out of the Nation.
Q You claimed and made your home in the Cherokee Nation since you separated from your wife? A Yes sir.
Q Was your wife born in the Cherokee Nation? A Yes sir.
Q Did she make her home here from the time she was born until you married her? A Yes sir.
Q Was she ever married except to you? A No sir.
Q Were you ever married except to her? A No sir.
Q Not married since you separated from her? A No sir.
Q What is the name of her father? A George W. Clark.
Q He alive or dead? A He's alive.
Q Give me the name of her mother. A Lydia M. Clark.
Q Is she alive? A Yes sir, she was this morning.
Q Did you get a divorce from your wife? A No sir.
Q There's been no divorce? A She got a divorce.
Q Have you a copy of the decree? A No, I never saw the copy; I was sick at the time the decree was granted; never had any notice of it.
Q Do you wish to make any statement of the occasion of the separation between yourself and wife as to whether she abandoned you or you abandoned her? A It is rather humiliating to make a statement. I know one thing I treated her right, and did everything I could for her. I know I was forced to leave her.
Q You stated that your wife procured a divorce from you; it was granted to her? A Yes sir.
Q Do you wish to introduce any evidence to show that? A I got no evidence.
Q You don't wish to submit any further statements? A I never looked around for any evidence.
Q Do you want to make any further statement or introduce any further evidence in the matter? A I haven't got any evidence.

2- T.J.T.

Q How old is your wife? A 26 years old.
1880 roll: page 635, 291, Lida "Lar", Saline Dist.
1896 roll: page 265, 247, Lydia A. Tarpley, Comanche Co.
1897 roll: page 327, 1025, Thomas J. Tarpley, Comanche Co.

Commissioner Brod'inger:-

The applicant presents official evidence of his having been married to his Cherokee wife in 1893, in accordance with Cherokee law. She is identified on the rolls of 1880 and 1896 as a native Cherokee, and he is identified on the roll of 1896 as a Cherokee by adoption. The testimony is referred to in connection with the question of his continued residence in the Cherokee Nation since his marriage in 1893. It further appears that the applicant, according to his testimony, lived with his wife some five years after their marriage, and they separated, and that she was granted a divorce from him. A copy of that decree of divorce is not furnished to the Commission at this time. The applicant is desired to furnish the Commission with a copy of the decree, and the case will be taken under advisement for further consideration. The applicant himself being classed at this time as a Cherokee by intermarriage upon a doubtful card. The final decision of the Commission will be made known to him at his post-office address.

H. C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the ab. and testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes in said case.

H. C. Rothenberger
Subscribed and sworn to before me this 21st day of November, 1900.

[Signature]
Commissioner.

DELAWARE

CHEROKEES BY BLOOD AND ADOPTION.

39 Thomas J. Tarpley Fairland St.
 Name
 District DOOWEE Year 1896 Page 327 No. 1013
 Citizen by blood M Mother's citizenship
 Intermarried citizen
 Married under what law Cherokee Date of marriage July 11, 1893
 License Certificate
 Wife's name
 District Year Page No.
 Citizen by blood Mother's citizenship
 Intermarried citizen
 Married under what law Date of marriage
 License Filed NOV 20 1900 Certificate Filed NOV 20 1900

Names of Children:

[illegible]

Decree of divorce to be supplied.

X

THE

OF

AND

THE

OF

B. W. Alberty

A

THE

In the United States Court for the Northern District of
Indian Territory at Vinita.,

Lydia Tarpley, Plaintiff,

vs

Thomas J. Tarpley, Defendant.

No. _____

COMPLAINT IN EQUITY.

Comes now the plaintiff Lydia Tarpley, complaining of the defendant and for her cause of action against him states:

That she is a citizen by blood of the Cherokee Nation and has resided in the Northern District of the Indian Territory for more than one year next before this date, and nearer to Vinita than any other place of holding court, and that the cause of divorce herein alleged has occurred and existed in the Indian Territory and within the last five years. That the defendant has been in the Northern District within the last year but his present whereabouts is unknown to the plaintiff. That the defendant was not a member of the Cherokee tribe of Indians prior to his marriage to the plaintiff.

That plaintiff and defendant were married in accordance with the laws of the United States and those of the Cherokee Nation near Adair, Indian Territory on the 11th day of June 1893, and lived together thereafter as husband and wife until the month of April 1895, at which time on account of the abuse, illtreatment, failure to provide for her the necessities of life, and the habitual and continuous drunkenness of the defendant the plaintiff was compelled and did leave the defendant and return to her father's house for protection. After about four months the defendant came to her father's house and urged plaintiff to return to him, promising to faithfully provide for her, to abuse and curse her no more, and to refrain from the excessive use of intoxicating liquors. Upon these assurances plaintiff gladly and willingly returned to her husband and they began life anew.

The defendant however, soon forgot his promises to the plaintiff and began again cursing and abusing her, spending his time and money in debauch and drunkenness instead of providing for his ^{house} ~~house~~ and this plaintiff.

That she was humiliated and her condition rendered intollerable beyond expression by his conduct toward her, and on account of her being compelled to apply to her father and friends for sustenance, clothing and furnishings for her house, and this too when the defendant was a druggist, and possessed of a place of business, amply able to provide for this plaintiff. That notwithstanding the defendants conduct and treatment of her which was very abusive at times, she lived with him until he was no longer ^{able} to provide anything, and then they together moved to her father's house and lived there for more than a year. That for a year preceding

and during the entire time they lived at her father's house the defendant was an habitual drunkard, wholly failing to provide for her, and during the absence of her father from the house cursed and abused her in a most shameful manner, and committed such indignities upon her as to render her condition intollerable. That all of said conduct on the part of the ~~defa~~ defendant was wholly without cause or excuse: that plaintiff performed every service ^{which} could be expected of a wife.

That early in 1896 plaintiff's father gave the defendant an interest in a large drove of hogs at the place in the hopes that he might derive something for her care and protection. That in the month of April 1897, the plaintiff having come to Vinita to see her sister, the defendant sold his interest in said hogs for two hundred and fifty dollars and taking the money and everything else he possessed left the place, deserted and abandoned this plaintiff without reasonable cause and has never since returned to her and she has never held communication or had intercourse with the defendant since that time.

In consideration of the premises plaintiff prays this Honorable Court that the bonds of matrimony heretofore existing between her and this defendant be dissolved and forever held for naught; and that she be restored to all the rights of a free sole and to her maiden name that of Lydia M. Clark,.

And your petitioner in duty bound will ever pray.

W. H. Kornegay and L. E. Parker Jr.

Attorneys for Plaintiff.

United States of America,
Indian Territory,
Northern District,

Lydia ~~M~~ Tarpley being first duly sworn on her oath

states: that she is the plaintiff in the foregoing cause; that she has read the above and foregoing complaint, and that the allegations and statements contained therein are true as she verily believes.,

Lydia M. Tarpley

Subscribed and sworn to before me this 12th day of June, 1900.,

Lewis T. Martin

United States of America,
Indian Territory,
Northern District,

Lydia Tarpley being duly sworn on her oath states that she is the plaintiff in the above entitled cause; and that she does not know the present whereabouts of the plaintiff; that he has ~~been~~ been away and absent from the District for more than four months, and that personal service of the above petition can not be had upon the defendant.

Lydia M. Tarpley

Subscribed and sworn to before me this 12th day of June, 1900.,

Lewis T. Martin

In the United States Court sitting and for the Northern District of the
Indian Territory, at Vinita.,

Lydia M. Tarpley, Plaintiff,

vs.

Thomas J. Tarpley, Defendant.,

This cause came on for hearing before me Samuel F. Parks,
Special Master, appointed for the purpose, due notice of the taking of
this testimony having been given and acknowledged by the attorney for the
defendant, and the plaintiff being present in person and represented by
her attorney L. F. Parker Jr., and the defendant being represented by
Daniel H. Wilson Esquire, the following proceedings were had, to wit:

Lydia M. Tarpley being first duly sworn testifies as follows:

My name is Lydia M. Tarpley, I am the plaintiff in this case. I am a
Cherokee citizen by blood, was born and raised in the Cherokee Nation
and have lived in the Northern District of the Indian Territory all my life.
I am 25 years of age; I know the defendant Thomas J. Tarpley. I was
married to the defendant Thomas J. Tarpley near Adair, Cherokee Nation,
Indian Territory on the 11th day of June 1893. After our marriage we ~~xxx~~
moved to Muskogee, Northern District, Ind. Ter. where we lived about one
year; during our residence there and after we had been married four or
five months the defendant became addicted to the use of intoxicating
liquors, which impaired the trust that people had in him and interfered
with his business affairs and about this time he began to illtreat
me and fail to provide me with any wearing apparel which I was compelled
to get from my father and mother. From Muskogee we took up our home
at Claremore and the defendant went into the drug business. His habits
of drinking continued worse; he was engaged in the drug business and had
a good stock of drugs but he was so addicted to the use of all sorts of
intoxicating liquors and drugs that he was wholly unable and failed to
provide for me compelling me to go to my father for my wearing apparel
and meat and I was compelled to pay the rent for our house out of my

own money, and yet cursed, abused and ill treated by calling me vile names and threatening my life and committing such other indignities upon me as to render me miserable and my life with him intolerable. That after these threats and his abuse on xx account of his habitual and continued drunkenness sometime in the month of April 1896 I was compelled to leave him and go to my father's home for protection and support. After about five months I returned to the defendant and began living with him. I returned because he promised to be good to me and would not curse and abuse me and would quit drinking. After my return he went to Muskogee to live again, but it was not long before the defendant returned to his former habits, and by his neglect for me I was so humiliated and ashamed, and his treatment and abuse of me was such that my condition was rendered intolerable, notwithstanding ^{which} I stood it for nearly two years. We lived at Muskogee about one year and on account of being compelled to apply to my father for nearly everything, we finally went to my father's house to live; we lived there for about ^a year. For the last few months we lived at Muskogee and during the entire year that we lived at my father's house the defendant was drunk so much of the time that he was practically unable to earn a livelihood for himself or me, and did wholly fail to do so. He would drink for the purpose of producing intoxication Jamaica ginger, extracts of all kinds, tinctures and alcohol as well as the ordinary intoxicating liquors. During the time we lived at my father's house, my father tried to give him a start so that he would earn something, and at one time he gave him a half interest in a drove of hogs. In April 1897 while I was visiting my sister in Vinita, defendant sold his interest in the hogs for two hundred or two hundred and fifty dollars, and came up to Vinita and came to where I was and stayed just a minute or two and said ~~xx~~ that he was going to leave, and he did, and I have never seen him since. He gave me no part of the money which he derived from the sale of the hogs, and I have not seen or had any communication with or from him since he ~~xx~~ went away.

I performed every duty that pertained to a wife, and tried my best to make the defendant ~~happy~~ happy and contented, and to my knowledge have him no cause for his conduct, or abandonment of me. His real name was Lillian H. Clark.

CROSS EXAMINATION BY D. H. WILSON:

I do not know what caused him to drink, but I understood that he was a drinking man before I married him, and I had no actual knowledge of the fact until information did not come from what I considered a very reliable source so I did not pay very much attention to it. He promised that if I could marry him that he would refrain and not drink.

Mrs. Sue C. Kell being first duly sworn testified as follows:

EXAMINATION BY L. E. PARKER JR.,

I reside at Chelsea, Ind. Ter., and I am a sister to the plaintiff. I am 23 years of age; I visited the plaintiff and defendant at their home in Claremore for a short time in 1895, when I arrived there the defendant was drinking a good deal and drank heavily all the time I was there; he did not provide well for his family; I know that my sister was compelled to call upon my father and mother for a great many of the necessities of life; I know that the failure of the defendant to provide for his wife and himself was due to his drinking habits, that he was otherwise well to make a living. During the time they lived at my father's house I lived with them, and the defendant did little or nothing in the way of work during the whole time he was there, not only did not support his wife but he did not support himself. He did not plant a crop or work in the field or attend to the cattle, all he did was to raise some watermelons and feed a bunch of hogs.

He took the watermelons to town and sold them and came back drunk; I know that he spent all of the money and gave none of it to my sister, and I know that he sold his interest in the hogs for something like ~~xx~~ \$250.00 and left with the money and never came back to my sister or to our house to live. He drank and was under the influence of liquor a great portion of the time he ~~x~~ was at our house, and while he was never what you say ~~s~~ ~~xxx~~ real drunk, he was ~~xxx~~ insane from the extracts and ~~xxx~~ stuff he could drink.

CROSS EXAMINATION

I did not have anything against my brother-in-law particularly; he was very good to my sister at times, and then again I have heard ~~k~~ him curse and abuse her, and when angry was very rough in his conversation towards her. I had been away at school and did not know Mr. Farply very well when they were first married and what little I ~~xxx~~ knew of him I liked him very well at first. I considered that his treatment of her was such as to make her condition intolerable.

Attest: A true record,

Samuel L. Parks.

In the United States Court within and for the Northern District of the
Indian Territory of Winita.,

Ledia H. Tarpley,

Plaintiff,

vs

No. 1096 EQUITY.

Thomas J. Tarpley,

Defendant.

REPORT OF SPECIAL MASTER;

I, Samuel F. Parks, Special Master, appointed under special order
of reference to, leave to show to the Court, that I have taken testimony
and examined the case together with the pleadings in the above entitled x
cause and report as follows:

That the petition in this cause was filed June 12th 1900; service
having been had on the defendant by publication; that the plaintiff is
a resident of the Northern District of the Indian Territory and has resided
continuously in said District and Territory for more than one year next
before this suit was instituted; that the whereabouts of the defendant
are unknown; service being had by publication.

I find that the parties to this action were married near A dair,
Cherokee Nation on the 11th day of June 1893; that they lived together
as man and wife until April 1896 at which time owing to the cruel and
inhuman treatment the plaintiff received at the hands of the Defendant
she was compelled to leave him and seek protection under the parental
roof; that some time after this plaintiff was by pleadings, overtures and
promises induced to return to defendant; that after this reunion the con-
dition of the defendant grew from bad to worse until some time in the
month of April 1897, at which time the defendant deserted plaintiff and
that they have not lived together as man and wife since said date; that x
the conduct and treatment of the defendant towards the ~~the~~ plaintiff prior
to the time of this said desertion was cruel and inhuman; that defendant
Plaintiff's condition in x life was rendered most ~~intolerable~~ miserable
and intolerable owing to the intoxicated condition of defendant; that

defendant was an habitual drunkard for the space of more than one year; that during the drunkenness of defendant plaintiff's life was in danger; that on the night of the desertion by the defendant he did he wholly provide the necessaries of life for the plaintiff; that at all times the plaintiff performed all the duties incumbent upon a dutiful wife; that the desertion of her by the defendant was not at her instance or connivance and was without reasonable excuse. That said desertion occurred in the Northern District of the Indian Territory and has continued for more than one year and occurred within five years past.

The premises considered, I recommend that the bonds of matrimony heretofore existing between the parties be dissolved; that the plaintiff Lydia H. Tangle be granted a decree of divorce a vinculo matrimonii, and that the plaintiff be restored to her maiden name, that of Lydia H. Clark, and to all the rights of a free sole.

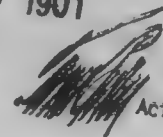
Respectfully submitted,

Samuel F. Parks
Special Master

X

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 18 1901



ACTING CHAIRMAN

7 Lydia M. Tarpley, Plaintiff,
1293, 7 vs
7
Thomas J. Tarpley, Defendant.

On the 5th day of September , A. D., 1900, being one of the days of the January term 1900, of this Court, the case coming on to be heard upon the report of the Special Master, S. F. Parks filed herein, and it appearing to the Court that the said report should be approved, and the plaintiff granted a divorce from the defendant, it is therefore considered, ordered and decreed by the Court that the plaintiff Lydia M. Tarpley, be and she is hereby granted an absolute divorce from the defendant Thomas J. Tarpley, and that she be and is hereby restored to her maiden name, that of Lydia M. Clark, and to all the rights of a feme sole.

UNITED STATES OF AMERICA, ~~Court now taken a recess subject to Cal.~~
Indian Territory, ss
Northern District.

I, Chas. A. Davidson, Clerk of the United States Court for the ~~Northern~~ Northern District of the Indian Territory, do hereby certify the foregoing to be true and correct copies of the Complaint, Evidence, Report of Special Master in Chancery and the Decree of the Court in Cause No. 1293, Lydia M. Tarpley vs Thomas J. Tarpley, as the same appears from the records now on file in my office.

WITNESS, my hand and seal of said Court at Vinita this
the 16th day of October, A. D. 1901.

Chas. A. Davidson, Clerk

By Ed Chandler Deputy

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 16th 1901

SUPPLEMENTAL ORDER.

In the matter of the application of Thomas J. Tarpley, Cherokee Doubtful
Card #51.

BY COM'R NEEDLES:

Comes now the Cherokee Nation, by its representative Mr. Baugh as agent
and asks that a certified copy of the proceedings and decree of divorce
in the case of Lydia Tarpley vs. Thomas Tarpley be filed and made a
part of the record in said case, and the same is hereby ordered.

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Chas. von Weise, being first duly sworn states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above cause and that the foregoing is a full
true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 16th of October, 1901.



Commissioner.

Supl.-C.D.#851.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of THOMAS J. TARPLEY as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that his Application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant having this day, to-wit: the 11th day of March, 1902, been called and failing to respond either in person or by attorney, it is considered that his case is completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

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[illegible]

I, J.O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony or proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Professor

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas J. Tarpley for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on November 20, 1900, Thomas J. Tarpley appeared before the Commission at Chelsea, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 16, 1901.

The evidence shows that Thomas J. Tarpley was married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on June 11, 1893, to Lydia M. Clark, a citizen by blood of the Cherokee Nation. Said Thomas J. Tarpley is identified on the Cherokee Census roll of 1896. It further appears from the evidence that Lydia M. Tarpley secured a divorce from the applicant on the ground of abandonment, on September 5, 1900.

Paragraph 1, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, together "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667, Compiled Laws of the Cherokee Nation (1892) provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Thomas J. Tarpley as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, I. T.

this JUL 29 1902

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of Thomas J. Tarpley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-851.

It appears from the record in this case that on the 29th day of July, 1902, the Commission to the Five Civilized Tribes rendered its decision in the matter of the application of Thomas J. Tarpley for enrollment as a citizen by intermarriage of the Cherokee Nation, in which it held that his enrollment as such citizen should be denied and it was so ordered.

On the same day the applicant and the Cherokee Nation were furnished with a copy of the decision of the Commission and notified that the same had been forwarded to the Department for approval.

Under date of September 3rd, 1902, the case was remanded by the Department for a further hearing and the Commission was requested to notify the representatives of the Cherokee Nation, that they might furnish additional testimony at a certain time and place, notice of which to be given the applicant, showing the true cause of the separation of said parties.

Under date of September 15th, 1902, the applicant and the representatives of the Cherokee Nation were notified that in accordance with the instructions from the Department, that the Commission would be at its office in Muskogee, Indian Territory, at one o'clock P. M., September 29th, 1902, for the purpose of hearing testimony of such witnesses as might appear themselves in person; and the case having this day, to-wit: the 29th day of September, 1902, been called and the applicant fails to appear either in person or by attorney, the Cherokee Nation, by its representatives, offers the following testimony.

GEORGE W. CLARK, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. G. W. Clark.
Q. What is your age, Mr. Clark? A. 60 years.
Q. Are you acquainted with Thomas J. Tarpley? A. Yes, sir.
Q. How long have you known him? A. Known him since 1893.
Q. Is he a white man or Cherokee? A. White man.
Q. Is he the same Thomas J. Tarpley who is an applicant before this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation? A. Same man.
Q. What is his wife's name? A. His wife's name is Frazier.
Q. Did she marry again? A. Since she married him.
Q. What was her maiden name? A. Clark.
Q. Any relation of yours? A. My daughter.
Q. When was she and Thomas J. Tarpley married? A. Married in 1893.
Q. How long did they live together as husband and wife?
A. Four years, off and on. They were separated once in that time.
Q. Did they separate about 6 years ago? A. Yes, sir.
Q. Have they lived together since that separation? A. No, sir.
Q. Do you know what was the cause of that separation, Mr. Clark?
A. Yes, sir; drunkenness and abandonment.
Q. Did he leave her or she leave him? A. He left her. They were living with me at the time of the separation.

Q. He got up and went off and left? A. Yes, sir; he got up and went off and left. Been there a while and just got up and went off and left.

Q. Never returned to live with her? A. No, sir. I don't think she has seen him; might have seen him?

Q. She never has lived with him since that time? A. No, sir.

Q. After the separation was there a divorce procured? A. Yes, sir.

Q. Who procured the divorce? A. She procured the divorce.

Q. What court? A. United States court at Vinita, about 3--two years and a half.

Q. Since the divorce has she married? A. Yes, sir.

Q. Married a man by the name of Frazier? A. Yes, sir.

Q. Do you know where Tarpley is now? A. No, sir.

Q. Never been around your place to make any efforts to support her? A. No, sir. He might have been around the place once or twice. I never seen him but once. During one time the cook missed things out of the kitchen. We always thought it was him. Whether it was him we don't know.

Q. He has never, after the separation in 1894, contributed anything to her support? A. No, sir; he never gave her a dollar in the world to support her. I gave him some hogs in 1894 to raise. He sold them and had the money in his pocket and she gave him a dentist bill of \$78 and asked him to pay that, and he refused to do it. He refused to give her a dollar.

Q. Did he have this money in his pocket? A. Yes, sir. I agreed to give him some hogs that he raised. He went to Chelsey and sold them and had the money in his pocket to my personal knowledge.

Examination by Mr. Starr.

Q. What was the grounds of the divorce? A. He wouldn't support her, and drunkenness. He just went off and left her. I never heard them have a word. He drank everything he could find in that country, and it wasn't fit to drink, hop ail and such stuff.

Q. Did he contribute anything towards her support from the time of their marriage?

A. They stayed here in Muskogee a year or two after they were married. I believe she claimed what clothes she got, claimed my wife sent them to her, and when they came back to my house to live--come there twice--the first time all the brought was two puppies.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of October, 1902.

Jesse O. Carr
Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 7th, 1902.

In the matter of the application of Thomas J. Tarpley
for the enrollment of himself as a citizen by intermarriage of the
Cherokee Nation.

Supplemental to D-851.

Cherokee Nation appears by J. C. Starr.

J. C. STARR, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name, age and post office? A. J. C. Starr,
32, post office Vinita.
Q. What official position, if any, do you hold? A. Stenographer
for the Cherokee Nation; one of its representatives.
Q. As representative of the Cherokee Nation did you attempt to get
service on one Thomas J. Tarpley? A. Yes, I did. I have sent
notice, and tried to have them served on him, that testimony would
be taken before the Commission questioning his being enrolled.
When he enrolled he gave Fairland as his post office and we
couldn't find him.
Q. Who did you send notices to? A. Samuel Ames.
Q. You say he couldn't be found? A. No, sir.
Q. Fairland is the post office which this man gave as his post
office? A. Yes, sir.

BY MR. STARR:

Comes now the representative of the Cherokee Nation and requests
the Commission to be permitted to introduce testimony in this case.

BY THE COMMISSION:

The request of the Cherokee Nation will be granted and the
evidence introduced.

E. B. FRAYSER, being duly sworn, testified as follows:

Examination by Mr. Starr.

- Q. What is your name? A. E. B. Frayser.
Q. What is your post office? A. Vinita.
Q. What is your age? A. 53.
Q. Do you know Thomas J. Tarpley, who is an applicant before this
Commission? A. I have seen him, that is all.
Q. How long have you known him? A. I have known him ever since
he came to this country. About 10 years.
Q. Do you know Lydia M. Tarpley? A. Yes, sir.
Q. She was Thomas J. Tarpley's wife? A. Yes, sir.
Q. Are they living together at this time? A. No, sir.
Q. Do you know the cause of the separation? A. He didn't support
her, that was all; didn't do anything.
Q. Where were they living at the time? A. They lived, awhile,
here, and lived on a ranch close to Prior Creek; George Clark's.
Q. Did he abandon her? A. Yes, sir; sold everything and left.
Q. Sold all her property? A. All their property, stock, every-
thing.

Examination by the Commission.

Q. Do you know these matters of your own knowledge?

A. No, not direct, I don't. I heard the assertions made there in the neighborhood.

Q. Do you know where Thomas J. Tarpley is now? A. No, sir.

Q. His former place of residence was Fairland? A. No, sir; I don't think he ever lived at Fairland.

Q. Do you know where he did live? A. Yes, sir; I know where he did live. He lived on Prior Creek.

Q. How long ago is that? A. That is five years ago.

Q. You don't know whether he is there now? A. No, sir; he is not there now.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr.

Subscribed and sworn to before me this 22nd day of November, 1902.

B. O. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas J. Tarpley for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on November 20, 1900, Thomas J. Tarpley appeared before the Commission at Chelsea, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 16, 1901. On July 29, 1902, the Commission rendered a decision in said case and forwarded the same to the Secretary of the Interior for his approval. Said decision was not approved, but on September 3, 1902, the record in said case was returned to the Commission for further hearing, and on September 29, and October 7, 1902, further proceedings were had in the matter of said application at Muskogee, Indian Territory.

The evidence now of record shows that Thomas J. Tarpley was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on June 11, 1893, to Lydia M. Clark, a citizen by blood of the Cherokee Nation. It further appears from the evidence that the said Thomas J. Tarpley lived with his said wife for about four years following their marriage; that he then left her and has not since that time contributed anything to her support, and that on September 5, 1900, Lydia M. Tarpley secured a divorce from the applicant on the ground of abandonment. Thomas J. Tarpley is identified on the Cherokee census roll of 1896. In its decision of July 29, 1902, the Commission found that the said Thomas J. Tarpley abandoned his wife, Lydia M. Tarpley nee Clark, through whom he claims his right to enrollment as an intermarried citizen of the Cherokee Nation, and the evidence offered on September 29, and October 7, 1902, appears to confirm that finding.

Paragraph I, Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 compiled laws of the Cherokee Nation (1892), provides:

"Every person who shall lawfully marry under the provision of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

The Commission is of the opinion that Thomas J. Tarpley abandoned his said wife within the meaning of the Cherokee law above quoted and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Acting Chairman.

[Signature]
Commissioner.

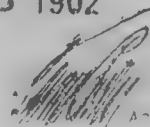
[Signature]
Commissioner.

Muskogee, Indian Territory,

this DEC 18 1902

41 10801

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 25 1902


ACTING CHIEF

COMMISSIONERS:
HENRY L. DAWES.
TAMM BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1902.

Mr. Thomas J. Turpley

Fairland, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 11th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-251
Register.

Yours truly,

~~Acting Chairman.~~

Commissioner in Charge.

COMMISSIONER'S
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Cherokee D 851.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Maskogee, Indian Territory, July 29, 1902.

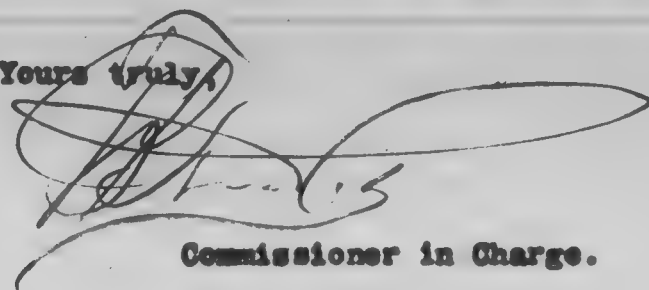
Thomas J. Tarpley,
Fairland, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Register.

Enc. C. No. 65.

Muskogee, Indian Territory, July 28, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Thomas J. Tarpley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. J. Hedrick

Commissioner in Charge.

Enc. C. No. 66.

Cherokee D 851.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Thomas J. Tarpley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 67.

Refer in reply to
the following:
Land
45882-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,

Washington, August 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Thomas J. Tarpley for enrollment as an intermarried Cherokee citizen.

Evidence shows that applicant was married in accordance with the Cherokee laws June 11, 1893 to Lydia M. Clark, a citizen of the Cherokee Nation whose name appears on the census roll of 1896. On September 5, 1900, his wife procured a decree of divorce from him on the ground of abandonment. A certified copy of the decree and proceedings thereunder are offered in evidence. The Department has heretofore held that such certified copy of decree is not admissible in cases of this character.

There is nothing in the evidence to show that Tarpley abandoned his wife. In fact, he merely states that he knows he was forced to leave her and that he did everything he could for her.

In the absence of anything showing abandonment the office believes it is the duty of the Commission to place the name of the

- 2 -

applicant on the Cherokee rolls, and such action is respectfully recommended.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV

D

3 inclosures.

D. C. No. 14862-1902.

L. R. S.

WHR.

I. T. D. 4998-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 3, 1902

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 29, 1902, you transmitted the record of proceedings had in the matter of the application of Thomas J. Tarpley, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including your decision of said date refusing to enroll the applicant on the ground that he abandoned his wife.

It seems that this applicant was married in accordance with Cherokee laws, in 1893, to Lydia M. Clark, a citizen of the Cherokee Nation and whose name appears on the census roll of 1896; that on September 5, 1900, his wife procured a divorce from him on the ground of abandonment. His name appears on the 1896 census roll of the Cherokee Nation.

The rights of this applicant hinge upon the question of abandonment. In reference thereto the record reads as follows:

"Do you wish to make any statement of the occasion of the separation between yourself and wife as to whether she abandoned you or you abandoned her?" It is rather humiliating to make a statement. I know one thing I treated her right, and did everything I could for her. I know I was forced to leave her."

There was also offered in evidence a decree rendered in the United States Court for the Northern District of the Indian Territory

in the case of Lydia Tarpley, plaintiff, vs. Thomas J. Tarpley, defendant, to show that the applicant abandoned his wife. This decree cannot be held binding against the applicant to show such fact as the court stated in the case of Burlen against Shannon, 3 of Gray, Mass. reports, 387:

"Beyond the legal effect of the judgment in a case for divorce - that of determining the status of the parties - the law applies as in other judicial proceedings, that a judgment is not evidence in another suit except in cases in which the same parties or their privies are litigating in regard to the same subject of controversy."

In this connection see Department decision of July 18, 1902, in the matter of Malinda King.

While it is true that the decree of divorce is not evidence in this case to prove abandonment on the part of the defendant, yet the Department is unwilling to order the enrollment of the applicant upon the record as made.

The case is remanded for a further hearing and you will notify the representatives of the Cherokee Nation that it may furnish additional evidence at a certain time and place, notice of which to be given the applicant, showing the true cause of the separation of said parties. You will transmit the testimony taken at said hearing with your recommendations relative thereto.

The record is herewith returned and a copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

2 Inclosures.

EMD.

Cherokee D 851.

Muskogee, Indian Territory, September 15, 1902.

Thomas J. Tarpley,
Fairland, Indian Territory.

Dear Sir:

Under date of September 3, 1902, the Secretary of the Interior returned to this Commission the record theretofore forwarded to the Department in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, for the purpose of affording you an opportunity to furnish additional evidence showing the true cause of the separation of yourself and Lydia Tarpley.

In accordance with such instructions you are hereby notified that the Commission to the Five Civilized Tribes will be at its office at Muskogee, Indian Territory, at one o'clock P. M., on Monday, September 29, 1902, for the purpose of hearing the testimony of such witnesses as may present themselves in person.

Due notice of this fact has this day been given the attorney for the Cherokee Nation.

Yours truly,

Acting Chairman.

Cherokee D 851.

Muskogee, Indian Territory, September 15, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Under date of September 3, 1902, the Secretary of the Interior returned to this Commission the record theretofore forwarded to the Department in the matter of the application of Thomas J. Tarpley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, in order that you might furnish additional evidence showing the true cause of the separation of Thomas J. Tarpley and Lydia Tarpley.

In accordance with such instructions, you are hereby notified that the Commission to the Five Civilized Tribes will be at its office at Muskogee, Indian Territory, at one o'clock P. M., on Monday, September 29, 1902, for the purpose of hearing the testimony of such witnesses as may be present themselves in person.

Due notice of this fact has this day been given the applicant.

Yours truly,

Acting Chairman.

COPY

4557

Muskogee, Indian Territory, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of September 3, 1902 (I. T. D. 4998-1902), remanding for a further hearing, the record of proceedings had in the matter of the application of Thomas J. Tarpley, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

In reply I have the honor to report that in accordance with the instructions contained in the Department's letter, Thomas J. Tarpley and the representative of the Cherokee Nation were notified September 15, 1902, that the Commission would on September 29, 1902, hear the testimony of such witnesses as might appear and present themselves in person. Further proceedings were had in the matter of this application September 29, 1902 and October 7, 1902, the applicant having in both instances failed to appear.

There is herewith transmitted, the record of proceedings.

COPY.

-2-

had in the matter of the application of said Thomas J. Tarpley, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission rendered December 18, 1902, denying his application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Encl. P-1.

Cherokee D-851.

Muskogee, Indian Territory, December 20, 1902.

Thomas J. Tarpley,
Fairland, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of supplementary proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated December 18, 1902, rejecting your said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. H-393.

Register.

Cherokee D-851.

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 18, 1902, rejecting the application of Thomas J. Tarpley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. H-394.

(Copy)

Refer in reply
to the following:
Land
76077--1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Thomas J. Tarpley, for enrollment as a citizen by intermarriage of the Cherokee Nation.

The record shows that on July 29, 1902, the Commission rendered a decision in this case adverse to the applicant and forwarded the record to the Department and afterwards the case was returned to the Commission for further hearing.

The record herein^{now} shows that the Commission on December 18, 1902, rendered a second decision herein, finding from the facts disclosed at said hearing, that the applicant had abandoned his Cherokee wife within the meaning of the Cherokee law and that section 667 of the compiled laws of the Cherokee Nation (1892) providing "Every person who shall lawfully marry under the provision of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation," applies to this case, and that by

-2-

reason of said provision the application herein should be denied. The office considers that the record facts and evidence support the said decision of the Commission, and recommends that the same be affirmed by the Department.

Very respectfully,

W. A. JONES,
Commissioner.

W.C.B.

L.

D.C. 2826-1903

J.P.

DEPARTMENT OF THE INTERIOR,

FHE

WASHINGTON.

I.T.D. 4998-1902.
506-1903.

January 27, 1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 3, 1902, the Department remanded the case involving the application of Thomas J. Tarpley for enrollment as an intermarried citizen of the Cherokee Nation, for further hearing. You had found that the party was not entitled to enrollment on the ground that he had abandoned his Cherokee wife, to whom he was married in 1893, in which decision the Indian Office did not concur.

On October 7, 1902, further testimony was taken, after notice to the applicant, who did not appear, and on December 18, 1902, you rendered another decision, again rejecting the application, as you considered the evidence showed that Tarpley abandoned his wife within the meaning of section 667 of the Cherokee Compiled Laws (1892), which provides:

"Every person who shall lawfully marry under the provision of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It appears that Tarpley lived with his said wife for about four years following their marriage; that he then left her and has not since that time contributed anything to her support, and that on September 5, 1900, she secured a divorce from him on the ground of abandonment.

Tarpley is identified on the Cherokee census roll of 1896.

Reporting in the matter January 17, 1903, the Commissioner of Indian Affairs recommended that your decision be concurred in. A copy of his letter is inclosed.

Finding no reason to disturb your decision it is hereby affirmed.

Respectfully,

(signed) Thos Ryan
Acting Secretary.

1 inclosure.

Cherokee D-851

Muskogee, Indian Territory, February 5, 1903.

Thomas J. Tarpley,

Fairland, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated December 18, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 27, 1903.

Respectfully,

James O. Smith
Acting Chairman.

Cherokee D-851

Muskegee, Indian Territory, February 5, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated December 18, 1902, rejecting the application of Thomas J. Tarpley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 27, 1903.

Respectfully,

Acting Chairman.

I can not locate
Mr. Tarpley
is in his locality
some place but near
here for want



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Thomas J. Tarpley,
Fairland,

1340

I. T.

1919
740



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

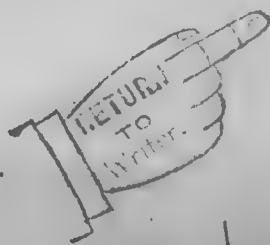
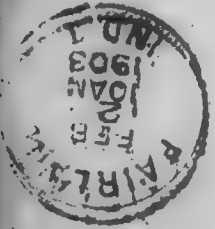
OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mr. Thomas J. Tarpley,

Fairland, Indian Territory.

Returned to Writer
38



6058

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Thomas J. Tarpley,

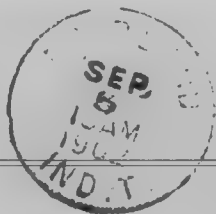
Fairland, Indian Territory.



Unclaimed

Parties Addressed Not Known Here

REGISTERED
SEP 5 1903
MUSKOGEE, IND. TER.



9/22-02



Cher R 817

Cher R 817

N 535

IN RE
THE DEATH OFAlexander Jordan .
a citizen of the

Cherokee Nation.

Approved: October 20 1902

C. H. Bruckmeyer.
Commissioner.2061
1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

Alexander Jordan

(Here insert name of deceased.)

a citizen of the

Cherokee

Nation, who formerly resided at or near

Centralia

(Here insert name of postoffice.)

, Ind. Ter., and died ^{about} ~~on~~ the*4*

day of

January

, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Lester Evans, on oath state that I am 43
years of age and a citizen, by marriage, of the Cherokee Nation;
that my post office address is Antonia, Ind. Ter.; that I am
the step father of Alexander Jordan,
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Cherokee Nation;
and that said Alexander Jordan about died on the 4 day of
January, 1902.
WITNESSES TO MARK: Lester Evans

(Must be Two Witnesses.)

Subscribed and sworn to before me this 20 day of October, 1902.

Bruce C Jones
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, L E Spears, on oath state that I am 40
years of age, and a citizen, by marriage, of the Cherokee Nation;
that my post office address is Hudson, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Alexander Jordan,
(Here insert name of deceased.)
who was a citizen, by Blood, of the Cherokee Nation;
and that said Alexander Jordan about died on the first day of
January, 1902.
WITNESSES TO MARK: L E Spears

(Must be Two Witnesses.)

Subscribed and sworn to before me this 20 day of October, 1902.

Bruce C Jones
Notary Public.

For record in original appli-
cation see Cherokee No.10084.

Cher R 818

Cher R 818

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE UN-CIVILIZED TRIBES.
W. C. CROSBY, I. C., DEPUTY 2741, 1900.

IN THE MATTER OF THE APPLICATION OF George W. Hendrix for enrollment as a citizen of the Cherokee Nation, and his being sworn to by Commissioner, W. C. Crosby, testifying as follows:

- Q What is your name? A George W. Hendrix.
Q What is your age? A Fifty three.
Q What is your Postoffice? A Bennett.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes sir; by adoption.
Q What is your District? A Canadian.
Q How long have you lived continuously in the Cherokee Nation?
A About eight years; I used to live in the Creek Nation.
Q For whom do you apply? A Just myself.
Q Your father and mother are non citizens? A Yes sir.
Q Are they living? A No sir.
Q What is the name of your wife; maiden name? A Minerva Kerr.
Q Is she a citizen by blood? A Yes sir.
Q Is she living? A Yes sir.
Q What is her father's name? A His name was Kerr.
Q Is he living? A No sir.
Q Was he a citizen by blood? A No sir.
Q What is her mother's name? A I do not know her name.
Q Are you living with your wife? A No sir; we are not living together; we have no divorce though.
(The applicant presents a marriage license and certificate of marriage, certifying that he was married to Miss Minerva Morgan, a citizen of the Cherokee Nation, on the 8th day of September, 1886)
Q You say you are not living with your wife? A Not at present; no sir.
Q You are parted, are you? A Yes sir.

By Mr. W. C. Hutchings, Cherokee Representative:

- Q How long have you been parted? A Since about the first of March.
Q She is preparing to bring a divorce suit against you, is she?
A I think so.
Q On the ground of cruelty on your part, such that she can not live with you? A Yes sir.
Q Do you stay sober much of your time? A I think I can establish it to you that I do.
Q Did you stay sober much of the time when you lived in Muscogee with her? A Yes sir.
Q What was the cause of your separation? A I can not tell you; I never heard.
Q Did you hear before you left? A No sir.

By the Commission:

- (1896 Roll, Page 98, #114, George W. Hendrix, Canadian District)
(1880 Roll, Page 16, #410, Minerva Fields, Canadian District)
Q Your wife's name appears on the roll of 1880 as Minerva Fields, and the marriage license and certificate you presented certified that you married Minerva Morgan; is Minerva Fields and Minerva Morgan the same person? A Yes sir.
Q Did she marry after her marriage with Fields a man named Morgan?
A She married Morgan then.

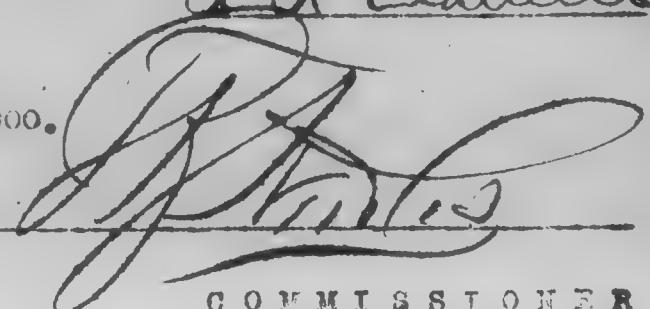
The name of George W. Hendrix appears on the census roll of 1896; he presents a duly certified marriage license and certificate, certifying that he was married to Mrs. Minerva Morgan, a citizen of the Cherokee Nation in 1886, and the name of the said Minerva Morgan appears on the authenticated roll of 1880 under the name of Minerva Fields, a former husband. It appears from the testimony that the said applicant and his wife, Minerva are not now living together. The representatives of the Cherokee Nation present pro test against his enrollment, because of the separation from his said wife. Said applicant is duly identified on the rolls of 1896, and his wife

upon the authenticated roll of 1880: Final judgment as to the enrollment of the said George A. Hendrix will be suspended; his name will be placed on a doubtful card.

When the final judgment of the Commission is reached as to the enrollment of the applicant, he will be duly notified thereof by mail.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 7th day of September, 1900.

A. R. Chavira

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 27 1900



ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CANADIAN.

CHEROKEES BY BLOOD AND ADOPTION.

52
Name

George No. Hendrix

Date AUG 27 1900 1900.

District

CANADIAN.

Year

Page

55

No.

114

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

~~Martha~~

~~Martha~~

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

| | | | | | |
|-------|------------|------------|------------|----------|-----------|
| | Dist. | Year | Page | No. | Age |
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D189

Book as required by Law administered by
me this 8th day Sept 1886. J. W. Wadsworth
J. W. Wadsworth

Which District
Cherokee Nation } To any ordained
Minister of the Gospel
of an Evangelical Denomination or Judge
or Clerk of any of the Courts of the
Cherokee Nation to whom this License may
come

Meeting
J. W. Hendrix a Citizen
of the United States having this day
made application in accordance with
the Laws of the Cherokee Nation in
relation to intermarriage white men &
Foreigners for a License to marry a
Citizen of the Cherokee Nation.

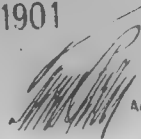
Therefore Be it known
that I by the Authority in me vested
by the Laws of the Cherokee Nation
do grant the said J. W. Hendrix a License
to marry a Citizen of the Cherokee Nation
You are therefore authorized to determine
the rates of Matrimony between the said
J. W. Hendrix & a Citizen of the Cherokee
Nation & attach a Certificate of said
Marriage to this License. & return to this
office for Record.

Given under my Hand and Seal
of Office on this 8th day Sept 1886

J. W. Wadsworth Clerk
J. W. Wadsworth

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 29 1901



ACTING CHAIRMAN.

S U P P L E M E N T A L - T E S T I M O N Y .

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TULSA, I. T., JANUARY 28th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE ESTATE OF GEORGE W. HENDRIX, CARD "D" #187.
Nevil Kerr, being sworn and examined by Commissioner, T. P. Hendles, testified as follows:

Q What is your name? A Nevil Kerr.
Q What is your age? A Fifty three.
Q What is your Postoffice? A Bennett.

Interrogatories by Mr. William F. Linton, Attorney for Applicant:

Q Are you acquainted with George W. Hendrix? A Yes sir.
Q Are you acquainted with his wife? A Yes sir.
Q State her name please? A Manerva Hendrix.
Q How long have you known them? A I have known him I guess eleven or twelve years.
Q How long have you known her? A Have known her always.
Q What relation is she to you, if any? A Sister.
Q How far do you live from where George W. Hendricks and his wife lived during the years - I will say for the last five years?
A About four years, I lived within about three quarters of a mile.
Q How often - what has been your relationship with the family as to intimacy; as to your social relations: Did you frequent their house?
A Yes sir.

Q Have you been there frequently during this time? A Yes sir.
Q What has been Hendrix' conduct towards his family since you have been living close to them? A It has been all right.
Q Do you know whether or not they are living together as husband and wife at this time? A No sir.
Q How long have they been separated; about how long?
A March or April last.
Q Is George W. Hendrix living on the home place near you at this time? A Yes sir.
Q Is she living on the home place? A ~~Max~~ No sir.
Q Do you know where she lives now? A In Muskogee.
Q Do you know why she left the place? A No.
Q What provisions did he (Hendrix) make for the support of his family, as well as you know? A Very good; had plenty to eat and plenty around them.
Q What was his treatment towards his wife prior to the time she left his home? A It was good.
Q Do you know why she went away? A No.
Q Was there any apparent cause of her going away so far as you know?
A No sir.
Q Now state, Mr. Kerr, how much you was around Mr. Hendrix' place prior to the time she went away - his wife went away? A About every week and sometimes two or three times a week.
Q Did you work there on the farm with Mr. Hendrix some?
A No sir, I did not work on the farm, but I was there: Put up hay one Summer.

By Mr. W. W. Hastings, Cherokee Representative:

Q You say you are a brother of Mr. Hendrix' wife? A Yes sir.
Q How far did you live from them last Spring? A One mile and a half.
Q Do you say that you do not know the cause of this separation at all? A That's what I said.
Q You never heard it from either party? A No sir.
Q Did she go back and live there? A Yes sir, she has been back once: She was there in the neighborhood once since.
Q To live as husband and wife? A No sir.
Q What do you know with reference to Mr. Hendrix' habit of getting drunk? A He gets drunk some times.

Q Were you ever at his house when he was at home drunk?
A Once or twice.
Q Once or twice? A Yes sir.
Q About how often is he in the habit of getting drunk?
A Four or five times a year.
Q Do you know what his treatment of her (his wife) is while he is drunk? A No, I never did hear any complaint about it when he was drunk.
Q You do not know personally whether he is abusive or not?
A No, I do not think he is.

WALTER G. FIELDS, being sworn by Commissioner, T. B. Needles, and examined by William E. Linton, attorney for applicant, testified as follows:

Q State your name to the Commission? A Walter G. Fields.
Q What is your citizenship? A I am a Cherokee.
Q Where do you reside? A Near Bennett, I. T.
Q Are you acquainted with George W. Hendrix? A Yes sir.
Q Do you know his wife, ~~Manerva~~? A Yes sir.
Q How long have you known them? A Well, I guess I have known Mrs. Hendrix since about '72 or '73.
Q How long have you known Mr. Hendrix? A About ten or twelve years.
Q How far do you live from where he lives now? A Something near two miles.
Q How long did they live on that place as man and wife, where Mr. Hendrix now lives? A If I remember right it was in '95 when they moved out there.
Q What was the extent of your acquaintance with the family? A I was well acquainted with them. Mrs. Hendrix was at one time my step mother, and I have been there quite often.
Q How is he situated there with reference to taking care of a family? A He is conveniently situated; has a good house and every thing.
Q What can you tell the Commission as to his disposition towards his family - just express it in your own language?? A He was always when I was around them very kind to his family.
Q How did he provide for them? A Very good as far as I know: They always had plenty to eat and plenty to wear.
Q Are they living together as man and wife at this time? A No sir.
Q Is Mr. Hendrix still living at his home place? A Yes sir.
Q Do you know where his wife is now living? A My understanding is she's living in Muskogee.
Q Is she living on the home place with him? A No sir.
Q Was there any apparent cause of her going away from him, if you know? A Not that I know of: I never heard of any.

By Mr. W. W. Hastings, Cherokee Representative:

Q Do you know whether or not George Hendrix is in the habit of getting drunk? A I have heard of his being drunk at different times: I never saw him.
Q Do you know if he gets drunk frequently? A I can not say.
Q Do you know what his treatment of his wife was when he was drunk? A I never saw him ~~intoxicated~~ under the influence of liquor at home and that was while he was living ~~at~~ here: He was very kind to her then.
Q You do not know the cause of his separation from his wife?
A No sir.
Q You never heard him say; or her? A No sir.
Q How long have they lived together as man and wife? A I guess ten or twelve years; something like that.
Q You lived there in the same neighborhood - something like two miles? A Yes sir.
Q They had a farm? A Yes sir.
Q And stock too? A Yes sir.

Q A comfortable house to live in? A Yes sir.

Com'r. T. B. Needles:

Q How often do you see them? A Quite often - every week, or some times I was there oftener than that.

Q You never saw him intoxicated but once? A Once at home; that was when he was living in Muskogee: I have seen him intoxicated twice I think besides that.

By Mr. William E. Linton, applicant's attorney:

Q What is his disposition as near as you know when he is drunk; is he cross, quarrelsome? A I can not say: I never saw him intoxicated but once and he was very kind towards me; he seemed to be more so then than when he was sober.

ELLA E. FIELDS, being sworn by Commissioner, T. B. Needles, and examined by Mr. William E. Linton, attorney for applicant, testified as follows:

Q State your name? A Ella E. Fields.

Q Are you the wife of Mr. Walter Fields who has just testified?

A Yes sir.

Q Where do you live? A Near Bennett.

Q With your husband? A Yes sir.

Q Canadian District, Cherokee Nation? A Yes sir.

Q You are a citizen of the Cherokee nation? A Yes sir.

Q Are you acquainted with George W. Hendrix? A Yes sir.

Q Do you know his wife, Minerva? A Yes sir.

Q How far do you live from them? A Something near two miles.

Q How long have they lived there near your place as well as you recollect? A I think they have lived there about six or seven years: I was away part of the time: I have been at home five years since I came home.

Q Have you visited the family? A Yes sir, some.

Q I wish you to state to the Commission how they (George W. Hendrix and Minerva Hendrix) get along together as husband and wife when you visit them? A As far as Mr. Hendrix was concerned he was always kind to his wife when I was there: I never saw a kinder man to his wife than Mr. Hendrix was.

Q Did you see them at other places than ~~your~~ at home? A Yes sir, at the neighbors houses and at Church and different places.

Q What was his disposition towards her at those times? A He was always very kind.

Q Are they living together now as man and wife? A No sir.

Q Can you state whether or not she left him; or did he leave her?

A She left him I guess: She left him; he is there at his home.

Q Was there any apparent cause for her going away? A Not that I know of.

Q How is Mr. Hendrix situated so far as making a living is concerned? A He is very well situated for a farmer: He seems to have plenty around him.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of January, 1901.

COMMISSIONER.

8

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 31 1901

[Signature]
ARTHUR C. ARVAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 31, 1901.

Supplement to testimony in the case of George W. Hendricks.

Witness, Minerva Hendricks, being sworn and examined by Commissioner
T. B. Neill, testified as follows:

Q What is your name? A Minerva Hendricks.
Q What is your age? A 37.
Q What district do you live in? A I am here in Muskogee; my home
is in Canadian district.
Q You know George W. Hendricks? A Yes sir.

By W. F. Hastings, representative of the Cherokee Nation-

Q He was your husband? A Yes sir.
Q When were you married to him? A I believe it was 13 years
ago last September. He has the marriage certificate.
Q Where were you married? A At Fort Gibson.
Q Where have you been living since that time? A I have lived
here part of the time, and lived down in Canadian district for the
last seven years, until this last year since I left there.
Q You lived in Muskogee and Canadian district about ever since you
were married? A Yes sir.
Q Was a Cherokee by blood? A Yes sir.
Q Hendricks is a white man? A Yes sir.
Q Mrs Hendricks, what was Mr. Hendricks' conduct toward you as to
drill? A Abusive language, anything he could think of.
Q Was he in the habit of drinking? A I didn't know it at the
time I married. I knew it shortly after I married him; a year or so
afterwards.
Q Did he drink much during that time? A Yes sir, sometimes it
would be days and days he never would be sober.
Q What was his conduct toward you when he was drunk? A Anything
but kindness.
Q Abusive? A Yes sir.
Q Did he at anytime attempt to use violence? A Yes sir, he
shot at me twice, threw a chair at me across the table and run me
with a butcher knife.
Q When was it he shot at you? A I am a poor hand to keep time.
Q Was it at Muskogee? A Yes sir.
Q When was it he attempted to use a butcher knife; where was that?
A It was here too.
Q Had you been married before? A Yes.
Q Had you any children by the former marriage? A I have one son.
Q What was his conduct toward that son while he was under the
influence of intoxicants? A Sometimes he was good to him, and
sometimes he wasn't. After we moved in the country, he got a
shot gun and accused my son of stealing his whiskey, which he
didn't.
Q What was his conduct toward you while you were sick? A I
asked him to make a fire; he said if I wanted it to get up and
make it myself. I suppose my son could have made it, but he was
in the field working.
Q Have you a farm in Canadian district? A Yes sir.
Q Who acquired the farm; whose is it? A My brother gave me the
claim.
Q On the public domain? A Yes sir. It is nothing but a little
old cabin. There was no floor in it. He got the lumber, and got
some from Madden here, but I paid for that out of my strip money I
got in 1894.
Q Then you claim your farm was principally improved with your own
money? A I know it was; there was no dollar put there except
mine and my child's out of the strip money and old settler's money.
Q Have you and your husband separated before? A Yes sir, three
times. He would swear he would never drink another drop if I would

2- G.W.H.

take him back, which I did. It would be no time he would be the same way and maybe worse. I sold out three times; and divided with him. I had a claim here in Muskogee, one lot, I sold my lot and bought things and kept boarders; that is the way I made my living, and kept him up while he drank.

Q His constant drinking is what led up to the separation at all of these times? A Yes sir, I think it is. He was never very kind to me when he was sober. He never would give me a dollar to buy medicine; he never would pay my doctor bill. Mrs. Elliott paid the last bill.

Q What relation is Mrs. Elliott to you? A She is my sister.

Q Is there anything else required of that you desire ~~that you~~ do to tell with reference to this separation that you think of?

A I have a divorce case in the Court.

Q Did you bring the suit? A Yes sir, Mr. Hutchings will see to it for me.

Q You don't know whether the papers have actually been drawn or not? A No sir, I don't; he said he would see to it right away; that has been over a month ago. I told him ~~to~~ I wanted my home, and he said he couldn't get it until I got the divorce. I told him I wanted a divorce, and he said I would have to get a divorce before I could get my place.

Mrs.

Witness, George W. Elliott, being sworn and examined by Commissioner Needles, testified:

Q What is your name? A Mrs. George W. Elliott.

Q What is your age? A 51.

Q What is your postoffice address? A Muskogee.

Q You know George W. Hendricks? A Yes sir.

By W. W. Hastings, representative of the Cherokee Nation-

Q Mrs. Elliott, how long have you known Hendricks? A Ever since he was married to my sister.

Q Is Mrs. Hendricks your sister? A Yes sir.

Q What do you know about him with reference to his drinking habit?

A I never mingled with him a great deal; he always was so contemptible that I never went about him very much, only when she was sick I took her to my house to take care of her.

Q You know whether or not he was in the habit of drinking or not?

A I know he was in the habit of drinking.

Q You know what his conduct was toward your sister; whether it was good or bad? A I don't think it was good. Of course, I wasn't present. I only know what she told me and other folks told me.

Q I suppose you haven't very much personal information with reference to their family dispute, except what your sister and neighbors told you? A No sir, I haven't.

Q Did you know him while he lived here in Muskogee? A Yes sir.

Q You know about these circumstances, which your sister related here about his shooting at her? A Yes sir; I heard the shot. I was going in the gate at Sixkiller. The girls she had staying with them had run him off.

Q Was he drunk? A I didn't see him; they say he was drunk.

Q The fact of the business is, he's been drunk a good big part of the time when he got anything to drink? A He never was sober that I know of, when he was able to get it in any way.

3- O.W.H.

E. G. Rothberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothberger

Subscribed and sworn to before me this 30th day of January, 1901.

[Signature]

Commissioner.

X

8189

COMMISSIONER

FEB 10
JAN 16 1902

ACTING CHAIRMAN

File with Cherokee D-189, George W. Hendricks.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 8th, 1902.

SUPPLEMENTAL TESTIMONY, in the matter of the application
of Minerva Hendricks for enrollment as Cherokee citizen.

Appearances:

Applicant in person:
Mr. J. J. Bough, for the Cherokee Nation.

MINERVA HENDRICKS, being sworn and examined testified as follows:

BY COMMISSION:

- Q What is your name? A Minerva Hendricks.
Q How old are you? A 58 last New Year's day.
Q What is your post-office address? A Muskogee.
Q Did you appear before this Commission in May, 1900, and make application for enrollment as a Cherokee? A Yes sir.
Q Are you at present residing in the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A I don't know, I haven't been to say living here, I am staying here.
Q For how long a time? A Little over a year I guess.
Q Where did you live prior to that time? A Canadian District.
Q In the Cherokee Nation? A Yes sir.
Q Have you always claimed the Cherokee Nation as your home? A Yes sir.
Q Have you ever lived outside of the Cherokee or Creek Nations?
A Never was, never was out but once on a visit.
Q You have always been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q What is your father's name? A Frederick A. Kerr.
Q Your father was a white man? A Yes sir.
Q He is dead? A Yes sir.
Q What is your mother's name? A Louisa Good.
Q That was her maiden name? A Yes sir.
Q She is dead? A Yes sir.
Q She a Cherokee? A Yes sir.
Q Does your name appear upon the tribal rolls of the Cherokee Nation? A Yes, sir, every roll that has been made.
Q Have you ever made application for enrollment in any other nation or tribe? A No sir.
Q Have you any children under 21 years of age, at home living with you? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation
examined and applicant identified on
page 16 No. 410 Minerva Fields, Canadian District, Native Cher;
1896 census roll of citizens of the Cherokee Nation examined
and applicant identified on
page 33 No. 916, Minerva Hendrix, Canadian District.

- Q What was the full name of your husband Hendricks? A George W. Hendricks.
Q Is he living or dead? A He is living.
Q Is he a white man? A Yes sir.
Q He does not claim to be a citizen of the Cherokee Nation? A I guess so, he is trying to claim it, I don't know whether he had got his rights or not.
Q Are you living with him at the present time? A No sir.
Q Have you been divorced from him? A That's what they tell me, I have got a divorce, but I haven't never got it yet.
Q Did you apply for the divorce or did he? A I did.
Q On what ground? A Because he was a drunkard and I could not live with him no longer, I couldn't stand it.
Q On the ground of cruel treatment? A Yes sir.
Q Has he married since he left you? A No sir, couldn't get nobody

to have him.

Q How long had you been married? A About thirteen years I think.

Q Were you ever married before you married Hendricks? A Yes sir.

Q What was the name of your other husband? A Richard Fields.

Q Is he dead? A Yes sir.

Q Was he a Cherokee? A Yes sir.

Q Was Fields your name when the roll of 1880 was made, about 21 years ago? A Yes sir.

Commission: Minerva Hendricks appeared before the Commission at Muskogee, Indian Territory, May 11th, 1900, and made application for the enrollment of herself as a Cherokee by blood. The testimony taken at that time is found to be incomplete, and the applicant this day appears before the Commission and gives further testimony as regards her application.


It appears from the same that she is duly identified on the authenticated roll of 1880 and the census roll of 1896; satisfactory proof has been made as to her residence, and she will be listed for enrollment as a Cherokee by blood.

---*---

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

H. D. Green

Subscribed and sworn to before me this January 8th, 1902.



Commissioner.

"R"

Cherokee D 189

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of
GEORGE W. HENDRIX for the enrollment of himself as a Cherokee citizen
by intermarriage.

Appearances:

William E. Linton, Muskogee, I. T., Attorney for the
applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY MR. HASTINGS: Representatives of the Cherokee Nation
call attention of the Commission to the fact that there is a
divorce suit pending in the United States Court at Muskogee
between George W. Hendrix, the applicant, and his wife, and
desires that this case be held open awaiting the judgment of
the court in the case.

BY COMMISSION of Mr. Linton:

Any statement you want to make in this case?

BY MR. LINTON: No, no further than the proof in this case
shows that while there is a desertion, that it is on no fault
of this applicant. The proof here shows that conclusively.
You are willing to continue this case, then, awaiting the
judgment of the Court?

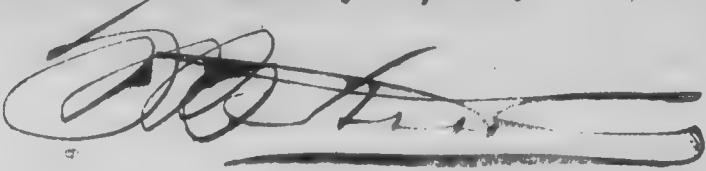
BY MR. LINTON: Yes sir, and during that time if we take a
notion to introduce any additional testimony we will notify
Mr. Hastings.

BY MR. HASTINGS: And we will notify you.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
proceedings in this case and that the foregoing is a true and com-
plete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 21, 1902.



Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 7th, 1902.

In the matter of the application of George W. Hendrix for the enrollment of himself as a citizen by intermarriage of the Cherokee nation.

Appearances:

Applicant appears by Minerva Hendrix.
Cherokee nation by W. W. Hastings.

Supplemental to D-189.

MINERVA HENDRIX, being duly sworn, testified as follows:--
Examination by the Commission.

- Q. What is your name? A. Minerva Hendrix.
Q. How old are you, Mrs. Hendrix? A. 58 years. I was born in 1844.
Q. What is your post office address? A. Muskogee.
Q. You were the former wife of George W. Hendrix? A. Yes, sir.
Q. Were you ever married before you married him? A. Yes, sir.
Q. What was the name of your first husband? A. His name was Fields. Richard Fields. He was a Cherokee.
Q. Were you married after your marriage to Fields to another man?
A. Yes, sir.
Q. What was the name of your second husband? A. Chilian Morgan.
Q. What was his citizenship? Was he a Cherokee or white man?
A. Yes, sir; he was Cherokee.
Q. When did your first husband Fields die? A. He died--my child will be 24 next February--he was just a year old.
Q. Did he die before you married Morgan? A. Yes, sir; 4 or 5 years.
Q. Is Morgan living or dead? A. They say he is living. I couldn't say positively whether he is living or dead.
Q. How long did you live with after your marriage? A. I reckon a little over a year; may be 2 years.
Q. When were you married to him? A. Indeed, I couldn't say when it was. I never was no hand to keep dates.
Q. How long after your separation from Morgan before you married George W. Hendrix? A. 3 or 4 years.
Q. Were you divorced from Morgan? A. They told me I was. I applied for a divorce. They told me I was. I never saw no record.
Q. Did you make application for divorce or did he made it?
A. I made it. It was done by the national council. We didn't have no United States court then.
Q. Are you sure it was done by the council? A. I couldn't say. I had two cousins, Josh Seales and John Drew, and also a friend of mine. They attended council. They told me I would get a divorce. They told me I had one. I don't know whether it is on the record or not.
Q. After that you were married to Hendrix? A. Yes, sir.
Q. Have you any idea in what year that divorce was granted?
A. It was about 1883 or 4. I couldn't tell you which. May be 1885. I couldn't tell you what year.
Q. You never received a copy of the decree of divorce, did you?
A. No, sir; I never did. I applied for a divorce and they told me that they was going to grant me one. ~~But~~ I never seen anything of it yet. I am just about as ignorant in this as I am the other.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 16 day of July, 1902.

J. R. Renter
Notary Public.

20189

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

SEP 23 1902

RECEIVED

Cherokee D 189.

Executive Department, Cherokee Nation.

Tahlequah Indian Territory.

I hereby certify that the records containing the acts of the Cherokee National Council have been examined and they fail to disclose a decree of divorce between Chilian Morgan and Minerva Morgan, said records being now in my legal custody.

This Sept. 15, 1902

J. T. Parker
Executive Secretary.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 30, 1902.

In the matter of the application of George Hendrix for enrollment as a citizen by intermarriage of the Cherokee nation.

George W. Hendrix, being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A George W. Hendrix.
- Q How old are you? A Fifty-six years.
- Q What is your postoffice address? A Bennett, I. T.
- Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee nation? A Yes sir.
- Q What is your wife's name? A Minerva.
- Q Is she living? A Yes sir.
- Q Is she a Cherokee by blood, and recognized as such? A Yes sir.
- Q When were you married to your wife Minerva? A It was 1886 as well as I remember.
- Q Were you married under Cherokee marriage laws? A Yes, Dick Walker married us at Ft. Gibson.
- Q You filed your marriage license with the Commission, have you? A Yes, I did that at Ft. Gibson.
- Q Were you ever married before you married Minerva? A Yes sir.
- Q How many times? A Only once.
- Q Was your first wife a white woman? A Yes sir.
- Q What was her name? A Her name was Harden.
- Q Was she ~~husband~~ living or dead when you married this wife? A Yes, she died in Missouri.
- Q Had Minerva ever been married before her marriage to you? A Yes sir.
- Q What was her first husband's name? A She had been married twice. Her first husband was Field; I don't know his initials. She lived with him I think about a year.
- Q And then separated? A Yes sir.
- Q Was he living at the time she and you were married? A No, he was dead at that time. Mr. Smith knew him.
- Q What was her second husband's name? A Chilly Morgan. He was a Creek I think.
- Q Was he living or dead when you married her? A Living I think.
- Q Had she been divorced from him? A Yes sir.
- Q What court was she divorced in? A Cherokee.
- Q Have you ever furnished the Commission with a copy of the divorce from her second husband? A Nothin but her affidavit.
- Q It will be necessary in order for you to complete your enrollment, to file with the Commission a copy of the divorce of your wife from her second husband, Morgan, before your enrollment can be completed. Have you and your wife Minerva lived together ever since the date of your marriage up to the present time? A No, we have not.
- Q You have separated? A Yes sir.
- Q When did you separated? A I think it was sometime in March, 1891.
- Q You lived with her then, from the time you married her until March, 1891? A Yes sir.
- Q Where were you living when you separated? A We were living on what they call Forks, in Canadian district.
- Q On a farm? A Yes sir.
- Q Whose place was it? A Mine.
- Q When you separated where did you go? A She left; I staid there.
- Q What was the cause of your separation? A Well, sir, I can't tell you. She left without any occasion on earth. I have her brothers testimony, and he knows all about it. She left without any occasion on earth.
- Q You and she have never lived together since then? A No, never lived together since then.
- Q Have you ever seen her since she left. A I saw her once at a distance.

- Q You never talked to her? A No sir.
- Q You never made any effort to get her to return? A No, I testified before the court I was willing to take her back.
- Q Have you procured a divorce? A No sir.
- Q You never applied for a divorce? A Yes, I think so.
- Q In what court? A United States court at Muskogee
- Q Do you know whether she was granted a divorce or not? A No, she is granted no divorce.
- Q Still pending? A Yes sir.
- Q You have never married since your separation? A No sir.
- Q You were still her husband on September 1, 1902? In the eyes of the law?
- A Yes sir.
- Q Have you lived in the Cherokee nation all the time since your marriage to your wife up to the present time? A Yes, -I just came back from a visit to my brother.
- Q How long were you gone? A Six or seven months. Something like that.
- Q This year? A Yes sir.
- Q You never was out before that since you were married? A No sir.

Examination by Mr. Hastings-Cherokee representative.

- Q The divorce suit is still pending in Muskogee at this time?
- A That's what I understand?.
- Q It is not decided? A. No sir.

-----0-----

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 12th, 1902.

B. C. Jones
Notary Public.

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NOV 19 1964

C. R. Meyer

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Mustang, Indian Territory,
this DEC 10 1902

RECEIVED
FEB 4 1902

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,.....

1902

Mr. George W. Hendrix,
Bennett, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the **20th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to William R. Linton,
Muskogee, I.T.

Yours truly,

Cherokee 7-189

Register.

Acting Chairman.

Cherokee D-189.

Muskogee, Indian Territory, June 19, 1902.

William E. Linton,

Muskogee, Indian Territory.

Sir:

In the matter of the application of George W. Hendrix for enrollment as a citizen of the Cherokee Nation, you are advised that the applicant has been directed to appear before this Commission on or before July 5, 1902, and produce additional evidence as to whether or not one, Morgan, a former husband of his wife, Minerva Hendrix, was living at the time of the applicant's marriage to her; and if the said former husband was then living, the applicant is directed to furnish to the Commission prior to said date a certified copy of the decree of divorce between the said Minerva Hendrix and her former husband, Morgan, if there has been such a decree granted.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D-189.

Muskogee, Indian Territory, June 19, 1902.

George W. Hendrix,
Bennett, Indian Territory.

Sir:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are directed to appear before this Commission on or before July 5, 1902, and produce additional evidence as to whether or not one, Morgan, a former husband of your wife, Minerva Hendrix, was living at the time of her marriage to you. If he was then living, you are directed to supply the Commission prior to said date with a certified copy of the decree of divorce between your wife and her said former husband, if such a decree has been granted.

Yours truly,

Commissioner in Charge.

Register.

Char. D-129.

Muskogee, Indian Territory, July 7th, 1902.

William B. Linton, Esq.,

Attorney at Law,

Muskogee, Indian Territory.

Sir:

In the matter of the application of George W. Hendrix for the enrollment of himself as a citizen by intermarriage of the Cherokee nation, you are advised that his wife, Minerva Hendrix, this day appeared before the Commission and testified that she was divorced from her former husband Chilian Morgan about 1883 or 1884, and that to the best of her knowledge said divorce was granted in Tahlequah district.

You are hereby directed to furnish this Commission on or before July 25th, a certified copy of the decree of divorce between the said Minerva Hendrix and her former husband Chilian Morgan.

As this matter is very important for the proper determination of the application of the said George W. Hendrix for the enrollment of himself as a citizen by intermarriage of the Cherokee nation, you are requested to give it your immediate attention.

Very respectfully,

Commissioner in Charge.

(Reg.)

Cherokee D 189.

Muskogee, Indian Territory, September 11, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are requested to advise the Commission whether the suit for divorce between George W. Hendrix and his wife, Minerva Hendrix, pending in the United States Court at Muskogee, has been decided.

If so, please furnish the Commission immediately with a certified copy of the decree.

Yours truly,

Acting Chairman.

Cherokee D 189.

Muskogee, Indian Territory, September 11, 1902.

J. T. Parks,

Executive Secretary, Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

Please furnish the Commission, if possible, with a certified copy of the decree of divorce between Chilian Morgan and Minerva Morgan, said to have been granted by an act of the Cherokee National Council about 1883 or 1884.

Yours truly,

Acting Chairman.

Cherokee D 189.

Muskogee, Indian Territory, December 19, 1902.

George W. Hendrix,
Bennett, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. There has this day been forwarded your attorney, William E. Linton, Muskogee, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. E. Needles

Commissioner in Charge.
Acting Chairman.

Register.

Enclosure H. No. 372.

COPY

Cherokee D 189.

Muskogee, Indian Territory, December 19, 1902.

William E. Linton,
Attorney for George W. Hendrix,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of George W. Hendrix for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated December 10, 1902, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully, *T. B. Woodles.*

Commissioner in Charge
Acting Chairman.

Register.

Enclosure H. No. 373.

COPY

Cherokee D 189.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of George W. Hendrix for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. ...

Acting Chairman.

Enclosure H. No. 374.

Cherokee D 189.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of George W. Hendrix for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 10, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 375.

Refer in reply
to the following:
Land
76077-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

January 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of George W. Hendrix for enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

On December 10, 1902, the Commission rendered a decision in this case, in which they find that the evidence shows that the said George W. Hendrix was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on September 8, 1886, to Minerva Morgan, a citizen by blood of the Cherokee Nation; that the said Minerva Morgan was formerly married to one Chilian Morgan, who appears to have been living at the date of her marriage to Hendrix; that the applicant lived with his said wife until March, 1900; that they then sep-

arated, his wife leaving him on account of his drunkenness and his cruel treatment of her; that divorce proceedings were brought by the said Minerva Hendrix and are now pending in the United States Court in Indian Territory; that said George W. Hendrix is identified as a Cherokee on the census roll of 1896, and that section 667 of the compiled laws of the Cherokee Nation, (1892), provide that, "every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this nation," is applicable under the facts to this case, and by reason of said section the applicant is not entitled to enrollment as a citizen by intermarriage, of the Cherokee Nation.

An examination of the record evidence by the office shows that it fully supports the said statement of facts, as set forth in the decision rendered by the Commission herein, and it further appears that under such a statement of facts, said section 667 is clearly applicable, and that said George W. Hendrix lost his right to citizenship in the Cherokee Nation, by reason of intermarriage, when he caused a separation and thereby abandoned his wife;

-3-

It is therefore the opinion of the office that the said decision of the Commission is correct, and it is hereby respectfully recommended that the same be affirmed by the Department.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

W.C.B. H'r.

D.C. 3956-1903

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
THE

I.T.D. 846-1903.

February 4, 1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your letter of December 19, 1902, transmitting the case involving the application of George W. Hendrix for enrollment as a Cherokee citizen by intermarriage, submitted with the Acting Commissioner's letter of January 28, 1903, copy inclosed.

Hendrix is identified upon the Cherokee census roll of 1896.

It appears that he was married in 1886 according to Cherokee laws, to Minerva Morgan, a Cherokee citizen by blood; that said Minerva Morgan was formerly married to one Chilian Morgan, who appears to have been living at the date of her marriage to Hendrix; that Hendrix lived with his said wife Minerva until March, 1900, when they separated, his wife leaving him on account of his drunkenness and cruel treatment of her; that divorce proceedings brought by said Minerva Morgan are now pending in the United States Court in the Indian Territory.

-2-

December 10, 1902, referring to section 21 of the act of June 25, 1898 (30 Stat., 495), and to section 667 of the Cherokee laws, which provides that

"Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this nation,"

you rejected the application.

The Acting Commissioner recommends that your decision be concurred in. Finding no reason to disturb your decision it is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee D-189

Muskogee, Indian Territory, February 18, 1903.

William E. Linton,

Attorney for George W. Hendrix,

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of George W. Hendrix for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 4, 1903.

Respectfully,

James H. Smith
Acting Chairman.

COPY.

Cherokee D-189

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of George W. Hendrix for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 4, 1903.

Respectfully,

Sam. Lloyd
Acting Chairman.

COPIES

Cherokee D-189

Muskogee, Indian Territory, February 18, 1903.

George W. Hendrix,
Bennett, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 4, 1903.

Respectfully,

Acting Chairman.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

9020

George Washington



Cher R 819

Cher R 819

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED.
SEP 20 1900

[Signature]
ACTING CHAIRMAN.

CO 107 FOUR FIVE CIVILIAN 4 BBS,
VICTA, I.T. MARCH 20, 1960.

In answer of the application of William J. Couch for admission as a member of the Chippewa Nation; said Couch being sworn by John J. Baker, Jr. clerk of court, testified as follows:

Q Give me your full name, please. A Edward L. Couch.
Q How old are you? A 42.
Q How long of late? A 10.
Q Which district do you live? A Cherokee. Nowhee.
Q Is it correct to have put on the roll? A Myself.
Q How long has it been by him? A Adopted.
Q Give me your marriage license and certificate? A I have a
license, the certificate is misplaced and I could not find it.
Q The licent presents a duly authenticated Cherokee license,
issued by the Clerk of Cherokee County District, May 12, 1888, author-
izing his marriage to one Ida Langley, and certificate shows that
he was married in accordance with said license, by the Clerk of the
District on the same date as the license? A This is filed herewith
Q Your wife a sister of the Cherokee Nationalities, sir.
Q Is she alive or dead? A Alive.
Q How old is she now? A About 3 years old.
Q The next have been about 12 years old when you married her? A
The day she was 15, she is more than 24, about 26.
Q How long did you live with her after your marriage? A About a
year.
Q Then you separated? A Yes, sir.
Q Have not lived together since? A No, sir.
Q Did you get a divorce? A Yes, sir.
Q Where is your degree of divorce? A Delaware District
Q You have not got a copy of it? A No, sir.
Q When were you divorced from her? A I forget now.
Q It has been some years ago, is it? A Yes, sir.
Q Have you married since? A No, sir.
Q Still single? A Yes, sir.

1890 enrollment; page 25, #49, Ida Tangly, Orpahm Kohn, Saline
1896 enrollment; page 197, #2776, Ida Tangly, Cooweescoowee.

Q You are not on the roll of 1896? A No, sir.
Q Where were you in 1896, Cooweescoowee? A Yes, sir, The reason I am not on that roll was because they did not find her name on the roll of 1880. She was at the Asylum and they never had the Asylum roll.

Interrogatories by E. Hutchins, Cherokee Representative:

Q How long was it after your married until you and your wife separated? A About a year.

Q That was the cause of the separation? A We could not get along, and she went off.

Q Did you have any home for her? A Yes, sir.

Q Your own or rented? A Rented.

Q Did you go off and leave her yourself? A No, she went off and left me.

Q Did not you leave her at your mother's? A I left her at Mother's and went to the strip after some cattle for Sam Cobb and come back and she was gone.

Q Did not your mother drive her away in your absence? A No, sir.

Q You did not know anything about her leaving you? A When I come back she was gone.

Q You staid away quite a consider able length of time? A A little over three weeks.

Edward R. Couch---2.

Gov. Breckinridge:

- Q Did you ever try to get her to come back and live with you?
A No, sir.
Q What did you do then drive her away from? I do not know that she drove him away.
Q You have no idea why you and your wife stopped living together?
A We could not ~~get~~ agree. He seemed a little of the the way.
Q Did the decree of divorce granted to you? Yes, sir.
Q Was there ever a child of that marriage? No, sir.

Gov. Breckinridge:--The applicant is not identified on the rolls of 1890, but he is shown by the marriage license and certificate filed herewith to have been married to his Cherokee wife in 1898, in accordance with Cherokee law. That wife is still living, and is identified on the rolls of 1890 and 1896 as a native Cherokee. The applicant states that he and his wife lived together about a year and then separated and divorce has been granted to him. He states that he has lived in the Cherokee Nation ever since his marriage in 1898, and has not re-married since the divorce. His application will be placed on a doubtful card for further consideration, and he is desired to supply the Commission with a copy of the decree of divorce. Final judgment as to his application will be suspended.

---22. 100. 1---

J. D. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

J. D. Reason

Subscribed and sworn to before me this 29th day of September, 1900.

C. H. McNeill

Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 23th, 1900.

Supplemental proceedings in the matter of the application of Edward P. Couch, No. D 447.

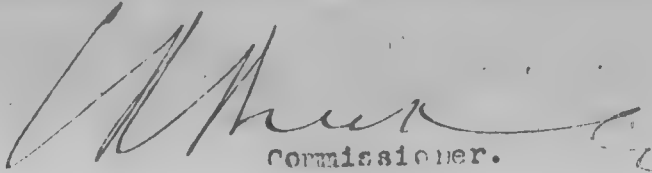
SOLOMON KETCHUM, being sworn by Commissioner C. F. Breckinridge, was examined by Mr. W. W. Hastings, representative of the Cherokee Nation, and testified as follows:

- Q What is your name? A Solomon Ketchum.
- Q Do you know Edward P. Couch? A Yes, sir.
- Q What is your post office address? A Vinita.
- Q Do you know Edward P. Couch? A Yes, sir.
- Q What is his post office address? A Eagle, I. T., I believe.
- Q Did you know his former wife, Ida Langley? A No, sir; I wasn't acquainted with her. I have saw her.
- Q You knew that was his former wife? A Yes, sir.
- Q Is he living with her? A No, sir.
- Q He testified that he had been divorced from her, is that true? A Yes, sir; that is my understanding.
- Q Do you know whether Edward P. Couch is a citizen by blood or adoption or intermarriage? A By intermarriage.
- Q He acquired citizenship by reason of his marriage to Ida Langley? A Yes.
- Q He testified that he had been divorced from her some few years ago. Do you know whether or not he has, since his divorce from his former wife, Ida Langley, remarried? A Yes, sir.
- Q Is his present wife a citizen of the Cherokee Nation or a noncitizen? A She is a noncitizen.
- Q She is ~~not~~ a white woman? A Yes, sir.
- Q How long has he been married to his present wife? A Well, I don't know, about two or three years, I think.
- Q Is Edward P. Couch any relation to you? A He is my brother-in-law.
- Q Do you know whether he is living with his second wife now or not? A Yes, sir; he was a week or ten days ago.
- Q He recognizes her as his wife? A Yes, sir.
- Q He holds her out to the community as such? A Yes, sir.
- Q And he introduces her to people as such? A Yes, sir.
- MR. HASTINGS: The representatives of the Cherokee Nation, under Sec. 636 of the compiled laws of the Cherokee Nation, request that the applicant Edward P. Couch be rejected as a citizen of the Cherokee Nation by intermarriage.
- THE COMMISSIONER (To the witness) You say he is your brother-in-law? A Yes, sir.
- Q Did you marry his sister or he your sister? A I married his sister.
- o-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the supplemental testimony in the above mentioned ap-

plication, as well as all other proceedings, at the time and place above mentioned, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of October
A. D. 1900.


Commissioner.

"R"

Cherokee D 447

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 27, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application of Edward R. Couch for enrollment as a Cherokee citizen;

Appearances:

G. E. McCullough, of Vinita, I. T., attorney for the
applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter
February 11, 1902, that his case would be taken up by the Com-
mission for final consideration on the 7th day of February, 1902.
Receipt has been acknowledged of the Commission's letter,
and the applicant this day, the 27th of February, 1902, appears
in person and by his attorney, G.E. McCullough, of Vinita, I.T.
EDWARD R. COUCH, being sworn and examined, testified as follows:
BY MR. McCULLOUGH:

Q You are Edward R. Couch, the claimant in this case? A Yes sir.

Q In this case at Vinita, September, 1900, you gave in your tes-
timony? A Yes sir.

Q Did you ever receive written notice after that time that the depo-
sition of Sol Ketchum would be taken in this case at Vinita, on the
28th day of September 1900? A No sir.

Q Did any one ever tell you that the deposition of Sol Ketchum
at Vinita, I. T. on September 1900 would be taken in this case?
A No sir.

BY MR. McCULLOUGH: The applicant herein, to-wit, Edward
R. Couch, objects to the introduction of the deposition of Sol
Ketchum taken at Vinita, Indian Territory on September 28, 1900,
being introduced in evidence in this case at this time, for the
reason that he received no notice whatever either written or oral
that said deposition was to be taken.

BY MR. HASTINGS: The representatives of the Cherokee Nation
desire to say in reply to this objection that the Commission is
charged with making a correct roll; that it is the Commission's
duty of its own motion to see that the testimony, either for or
against an applicant, is taken, and that no rule was made by the
Commission at the time that Solomon Ketchum's testimony was taken
~~requiring~~ requiring the Cherokee Nation to notify the applicant
or any person for that matter that testimony in his case would be
taken, and that the rule to notify applicants was promulgated by the
Commission in April 1901. That it is the duty of the Commission
and the practice of the Commission to develop all the facts from any
witness introduced upon the stand, whether the applicant is present
or not, and that the Commission represents the applicants as much
as it represents the Cherokee Nation.

BY MR. McCULLOUGH: The applicant, Edward R. Couch, now desires
that in case the testimony of Sol Ketchum taken on September 28,
1900 at Vinita, I. T. be taken as evidence against him to intro-
duce the following rebuttal testimony.

BY COMMISSION: The request of the attorney for the applicant
will be granted.

BY MR. McCULLOUGH of the applicant:

Q What relation are you Mr. Couch to Sol Ketchum? A Brother in law.

Q Does he live with you near you? A He lives about I guess about
20 miles, something near that.

Q Were you ever married after you were divorced from your Cherokee
wife? A No sir.

Q Did you ever agree with any woman that you and she would live
together as husband and wife, and did she agree to live with you
that way since the divorce from your Cherokee wife? A Yes sir.

Q Did you have any woman keeping house for you after your separa-

tion from your Cherokee wife? A Yes sir.

Q I wish you would tell the court how it happened that this woman came to keep house for you? A Well she was working there for my brother, and she come over there- my brother moved off and she kept house on there and went under my name, ~~as~~ you know, and afterwards we agreed after everything was settled we would be married you know.

Q What do you mean by everything was settled? A Well I got on the roll.

Q After the rolls were completed and your rights were established as a Cherokee citizen? A Yes sir.

Q But there was no agreement of marriage before that time? A No sir.

Q And you were never married in any manner? A No sir, nont at all.

Q What is this woman's name? A Cassidy.

Q What is her given name? A Why, I God, I forgot it now.

Q You have never married this woman? A No never married her.

Q You expect to complete this marriage contract that's entered into after your rights are established? A Yes sir.

BY MR. HASTINGS:

Q How about if they were denied, would you complete it? A Well we would be married after a while, yes.

Q How long have you been living with her? A It will be five years in May.

Q Has she had any children in the meantime? A No sir.

Q Had none? A No sir.

Q You are living with her as your wife now? A Yes sir.

Q And you have for five years? A Yes sir.

Q She lives in the house with you? A Yes sir.

Q And has for that length of time? A Yes sir.

Q It will be five years in May? A It will be five years in May or June.

Q She is a white woman? A Yes sir.

Q Who else lives in the house with you? A Nobody.

Q Just you two, and have lived there for five years? A Yes, about five years, since my brother left.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit this case to the Commission and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted 10 days in which to file a brief in this case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 28, 1902.

[Signature]

Commissioner.

10447

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 23 1902


ACTING CHAIRMAN

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DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 22nd, 1902.

In the matter of the application of Edward R. Couch for the enrollment of himself as a citizen by intermarriage of the Cherokee nation.

Supplemental to D-447.

Appearances:

G. E. McCulloch for Applicant.
W. W. Hastings for Cherokee nation.

EDWARD C. COUCH, being duly sworn, testified as follows:

Examination by Mr. McCulloch.

Q. Mr. Couch, where have you resided since your separation from your wife? A. In the Cherokee nation.
Q. Have you always resided there since you were divorced from her? A. Yes, sir.
Q. Where do you live now? A. I live in the Cherokee nation close to Eagle. Eagle is my post office.
Q. What do you know about the report that your mother drove your wife off? A. I don't know anything about her driving her off. I never heard of it until I went before the Dawes Commission.
Q. Where was your mother at the time your wife left? A. She was living---Missouri was her home. She was in Missouri. I went with Cobb out on the strip to move his cattle in the fall, when he moved from the strip. When I come back I found she was gone. During that time I was gone out with the cattle, when I come back she was gone.
Q. When did you see her after that? A. About three years after that she come down to our place to see about a divorce; said we couldn't live together---just as well be divorced.
Q. What did you tell her? A. I told her I was ready at any time. We never was divorced for three or four years, I forget which. I sued for a divorce and she never appeared.

Examination by Mr. Hastings.

Q. You got the divorce by her consent? A. No, not then. I didn't get the divorce then, you know.
Q. Well, I know. It was agreed she wouldn't appear. A. She wanted to get a divorce then.
Q. When you saw her didn't she agree not to appear? A. No, sir; I hadn't seen her for about three years or four years before that.
Q. What grounds did you allege for divorce? A. Why, she went off and left me.
Q. How long did you live with her before she left you? A. About a year.
Q. Did you have any children by her? A. No, sir.
Q. Had she ever been married before? A. Yes, sir; she had been married before.
Q. To whom? A. I will be dogged if I know now. It was Tare or something like that.
Q. Where was he? A. In the pen.
Q. In the penitentiary? A. Yes, sir.
Q. She had never been divorced from him? A. I don't know.
Q. Did you ever go to see this woman after she left you? A. No, sir.
Q. Never tried to get her to come back after she left you? A. No, sir.
Q. Never made any effort to get her to come back? A. No, sir.
Q. Never sent her any word or wrote her? A. No, sir.

- 7
- Q. Well, you are living with this woman by the name of Cassady?
A. Yes, sir.
Q. Have you been married since you were here before? A. No, sir.

Examination by the Commission.

- Q. How long have you been in the Cherokee nation? A. About 23 years.
Q. Been here continuously since 23 years ago? A. Yes, sir.
Q. Ever made your home outside of the territory since that time?
A. No, sir; never did.

Examination by Mr. Hastings.

- Q. What is your former wife's name now? A. Ida?
Q. Yes. Langley, I think.
Q. What is her post office? A. I think she is dead now.
I think she was drowned in the Verdigris some two or three years ago.

Examination by Mr. McCulloch.

- Q. I wish you would tell the court why it was you never asked her to come back and live with you? A. I don't know. We couldn't agree and she went off. When I went off after the cattle was were on good terms.
Q. Had you heard any reports about other men running after her?
A. Yes, sir; down to Sanders they were thick with her and others. That is the reason, one of the reasons I didn't want to see her any more.

Examination by Mr. Hastings.

- Q. About how long ago was this separation? A. About 15 years, as near as I can recollect.

J. E. COUCH, being duly sworn, testified as follows:--

Examination by Mr. McCulloch.

- Q. State your name to the court. A. J. E. Couch.
Q. What relation are you to Edward R. Couch? A. Father.
Q. Did you know his former wife? A. Yes, sir.
Q. Do you know about the time they were separated? A. Yes, sir; about.
Q. Where were you at that time? A. When she left I was in Missouri.
Q. Where were you before that time? A. Staying there at his house, making hay.
Q. Who else was there besides you? A. My youngest son. His brother.
Q. What time of the year was this, do you remember? A. August, I think; as well as I remember.
Q. Do you remember the circumstance of Ed's going away some place after cattle? A. Yes, sir.
Q. For whom, do you know? A. Sam Cobb. Went out on the strip to being his cattle in.
Q. Where was his wife at the time she left? A. She was at home, Ed's house.
Q. Who was there at the house at that time besides she, you and your young son? A. Who was there?
Q. Yes. A. No one.
Q. Where was your wife? A. She was over in Missouri.
Q. Do you know of the circumstances of her leaving? Tell us what you know about his wife leaving? A. Well, I don't know much about it. She was there when he started off after the cattle. He told her to stay right there. The little boy was staying with her. I was out there making hay. He told her to stay until he come back. I went over to Missouri, home, and when I come back, about a week, she was gone.

Did anybody come back with you? A. My wife came with me.
 Q. What do you know of the relations between her and Ed's wife?
 A. They was on good terms.
 Q. State what you knew about that to the court now. A. My wife has always said, and ~~was~~ always seemed to think a great deal of her. She came back to us ~~why~~ two years, I reckon, may be three. She came in and treated her just like she was a mother. My wife treated her just the same as she would a child. She came down to see my son about her divorce.
 Q. How long did she stay at your house? A. Stayed until after dinner. My wife was sick at the time. She helped Matie get dinner.
 Q. Before this time did you wife come down from Missouri, had she ever been out here before to see Ed's wife? A. Yes, sir. Been down and spent 2 or 3 weeks with her.
 Q. Where was Ed living at that time? A. He was living on White Oak, about 8 miles from Vinita.
 Q. West of Vinita? A. Yes, sir; west of Vinita.
 Q. Tell us if you have heard any hard words or expression of hard feelings between Ed and his wife? A. No, sir; never heard a hard word between them two.
 Q. Did you ever hear reports that some men were running after Ida?
 A. Yes, I heard the report.
 Q. Did you ever see any other man with her? A. When she came down to my house there was some man with her in the buggy. I don't know who it was. I didn't know him.
 BY MR. HASTINGS: Was this before the separation or after? A. That was after it.
 BY MR. McCULLOCH: You didn't know this young man with her?
 A. No, sir.
 Q. Did you hear the names of any of the men reported to be running after her? A. A fellow by the name of Dunn was reported to be.
 Q. What do you know about this, anything more than hearsay?
 A. No, sir; I don't know anything about it.
 Q. Do you know where Ed has lived since his separation from his wife? A. Lived right down near Vinita ever since.
 Q. Always in the Cherokee nation? A. Yes, sir. I don't think he has been out. I reckon he may have been in the creek nation after cattle for Doc. Frazer.
 Q. With whom has he made his home? A. He has made his home at Vinita. For the last 3 or 4 years he has been farming by himself.

Examination by Mr. Hastings.

Q. Mr. Couch, had you heard anything against this woman's reputation while she was living with your son as his wife?
 A. Yes, sir.
 Q. Well, now, how are you going to explain that and reconcile it with the rest of your testimony that you have just given here to the ~~fact~~ effect that your wife thought as much of her as if she were her own daughter? A. That was the report, now. I don't know whether it was so or not.
 Q. Then your wife didn't believe it? A. I don't know whether it was so or not.
 Q. You didn't believe it did you? A. No, sir.
 Q. Your wife didn't believe it about her? A. No, sir.
 Q. Treated her as she would any respectable woman? A. Yes, sir; when she came there.
 Q. Ed, prior to his separation from this woman, made no complaint because of her unfaithfulness? A. Why, I don't know.
 Q. You never heard anything? A. He is a fellow who never says anything about anything. I never did ask him.
 Q. It would seem strange if your wife thought as much of her as indicated by your testimony that that woman could be a bad character.
 A. All I know is just reports.

Q. Where was Ed and his wife living when this separation took place? A. Lived on White Oak.

Q. How far from Vinita? A. I suppose about 7 or 8 miles.

Q. Out on the prairie? A. Right in the edge of the timber.

Q. It wasn't as thickly settled out there then as it is now?

A. I haven't been out there for a long time.

Q. That was about how long ago? A. 12 or 14 years.

Q. Well, it wasn't very thickly settled then, was it? A. No, sir.

Q. How far did his wife's mother live from there? A. Her mother was dead.

Q. Where did she go? A. I don't know where she went.

Q. Did you ever make any inquiry? A. No, I never did.

Q. Wasn't your son there with her? A. My little boy.

Q. Didn't he ever say where? A. She went to the neighbors, to a man by the name of Leach.

Q. How far had Ed gone after cattle? A. Gone out on the strip.

Q. Cherokee strip? A. Yes, sir.

Q. That was 200 or 250 miles? A. Yes, sir.

Q. He left that woman alone in that unsettled place? A. There was neighbors there.

Q. I mean in the house? A. My little boy was there. There was neighbors within a quarter of a mile.

Q. I mean in the house. Well, I was there and my little boy stayed there with her all the time.

Q. You already stated you went to Missouri and left her there. Well, then, there was nobody there. A. Only the two when I went to Missouri.

Q. She and a boy about 12 years of age left there alone? A. Yes, sir.

Q. While they were left there alone she went off to some of the neighbors house? A. Yes, sir.

Q. When your son came back he never made any effort to get her to come back? A. I don't know whether he did or not.

Q. Do you know of his making any effort? A. No, I don't.

Q. Do you know where she was when he came back there? A. No, sir.

Q. Do you know how long he was gone to the strip? A. He was gone about three or four weeks.

Q. He was gone about three or four weeks? A. Yes, sir; just went out to take the cattle from the pasture; brought them right back.

Q. Do you know where your son lives now? A. Yes, sir.

Q. Do you know he is living with a woman up there by the name of Cassady? A. I haven't been up there for quite a while. I was up there last fall.

Q. Have you stayed all night recently? A. No, sir.

Q. How many rooms in the house? A. Three.

Q. You know that he lived with this woman as his wife? A. I don't know.

Q. Didn't he introduce her as his wife? A. I don't know.

Q. What did he call her to you? A. I don't know.

Q. Now, Mr. Couch, you certainly know--- A. They live about 25 miles from where I live.

Q. You knew that woman has been living there with him for four or five years. X. Yes, sir; been staying there off and on four or five years.

Q. He has got no children? A. No, sir.

Q. She has got none? A. No, sir.

Examination by Mr. McCulloch.

Q. When you went down there, Mr. Couch, to Ed's to make hay, about how long did you stay there before she left; from the time you went there until she left? A. I went there in July.

Q. You were there when she left? A. No, I wasn't there when she left. I had gone to Missouri when she left.

Q. How long were you there when they were there together?

A. Why, from July up in, I reckon the last of August.

Q. During that time did you ever hear any hard words or expressions of hard feelings? A. No, never.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of July, 1902.

Jesse O. Carr

R. J. Renter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 7, 1902.

In the matter of the application of Edward R. Couch for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Edward R. Couch.
Q What is your age at this time? A I will be thirty-five this month.
Q What is your postoffice? A Eagle.
Q Are you the same Edward R. Couch that made application to the Commission for enrollment as an intermarried citizen on September 26, 1900? A Yes sir.
Q What is your wife's name? A Ida.
Q Is she living at this time? A No sir, she is dead.
Q When did she die? A About two years ago.
Q Was she a citizen by blood of the Cherokee Nation? A Yes sir.
Q When were you and your wife, Ida, married? A In '88 I think, or '87, I don't know which.
Q Were you married under a Cherokee license? A Yes sir.
Q Have you ever been married prior to your marriage to your wife, Ida? A No sir.
Q Had she ever been married prior to her marriage to you? A I don't know, I heard she had, I don't know whether she had or not.
Q Didn't you ever talk to her about it? A No, not nothing in particular, some said she was married before but she never did say.
Q You don't know whether she was or not, you heard so, but you don't know it? A No sir.
Q And you never asked her whether she had been married before? A We I, she said she had lived with another man.
Q What was his name? A Tom Fare or Tear.
Q She is your first wife? A Yes, and my only wife.
Q Did you and she live together from the time of your marriage up until the time she died? A No sir.
Q Did you separate? A Yes sir.
Q When did you separate? A In about a year after we were married.
Q Where were you living when you separated? A Whiteoak.
Q In the Cherokee Nation? A Yes sir.
Q Were you living on a farm or in town? A Living in the country, on a farm.
Q Whose place were you living on? A It was a rented place, a place I had rented.
Q What was the cause of the separation? A Why I went to the Cherokee strip after some cattle for Sam Cobb, and when I come back she was gone.
Q You were the man that left your wife with your mother or her mother? A No, I left her at home and her mother moved down to the place where my wife stayed.
Q How long were you gone over to the Cherokee strip after cattle? A A little over a month.
Q Then when you got back to your home your wife had gone? A Yes sir.
Q Did you hunt her up after you come back? A No sir.
Q I didn't go to hunt her up; in about two years afterwards she wanted to get a divorce and said we couldn't live together.
Q Do you mean to tell the Commission that when you come home after a month's absence that you didn't take enough interest in your wife to find out where she was gone or what had become of her? A She left word that she was going to Muskogee.
Q Did you make an effort to find out where she was going? A No sir.
Q How long after you come back before you saw your wife? A Well, I seen her for a little while the next day after I come back.
Q Did you have any talk with her then? A Not much.
Q She said that we couldn't live together and would be separated, and she would go to Muskogee and she left

left a note that she had gone.

Q This first time you saw her you didn't try and get her to come back and live with you? A No sir.

Q You didn't tell her the house was ready for her to come back? A No sir, I didn't tell her, she knew it was ready for her.

Q You didn't tell her she was welcome any time she might want to come back? A No sir.

Q In other words you were perfectly willing for her to go off and stay away? A No, not at first; I asked her why she wanted to go away and she said we couldn't live to ether.

Q Did you and she have any trouble before you went away? A Yes, quite a little bit.

Q What was that trouble over, some family affairs? A Yes sir.

Q Well now, about two years after this she come to you and wanted a divorce? A Yessir.

Q Did she get a divorce? A No sir, I told her I didn't have the money then to try the divorce and about two years after that —

Q That made four years after you separated? A Yes sir, I sued for the divorce in the Cherokee Courts.

Q Did you get the divorce? A Yes sir.

Q Did she appear and fight the case? A No sir.

Q Where was she living when you got the divorce? A She was living at Foyil.

Q In the Cherokee Nation? A Yes sir.

Q Where were you living when you got the divorce? A At Vinita.

Q What court did you get the divorce? A In the Delaware Court.

Q About what year would that make it that you got your divorce in?

A I forget just what year it was.

Q How long ago? A I couldn't tell you that, It had been about four years after we were married.

Q You were married when in '88? A In '88 or '87

Q How long did you live with her? A About a year.

Q Then you separated? A Yes sir.

Q And about four years afterwards you got the divorce, that would make it about '93? A Something in the neighborhood of that.

Q You never seen her since you got a divorce? A No sir.

Q You don't know whether she was married then or not? A No sir.

Q From the time you got ~~your~~ divorce up to the present time have you ever married again? A No sir.

Q You were still a single man on the first day of September, 1902?

A Yes sir.

Q Where have you lived, Mr. Couch, since 1888? A I lived right around Vinita there. Well, I lived down on Mustang Creek for a while, for about seven years I think it was; then I moved up on Big Cabin in Cooweescoowee and I have been there eversince.

Q Have you lived in the Cherokee Nation ever since '88 up to the present time? A Yes sir.

Q You haven't lived outside of it? A I haven't lived outside of it for twenty-three years.

Q Now you say when you went over to the strip after those cattle you were gone about a month, is that right? A Yes sir.

Q You left your wife at home? A Yes sir.

Q Did you leave anybody there with her? A My father was staying there with her.

Q That was about '89 wasn't it? A No, I went over to the strip in either '88 or '89.

Q Did you leave plenty for her to live on when you went away? A Yes sir.

Q She didn't have to go away to get something to eat or wear? A No sir.

Q Was your father there at the house when you came back? A No, he wasn't. I don't recollect where he was, he wasn't home when I come back.

3- Edward J. Couch.

- Q Do you know how long he had been away? A Just a day or two I think; he went back to Missouri over to Seneca for a load of goods.
- Q Do you know how long your wife had been away when you got back? A No sir, I don't know.
- Q Isn't it a fact she left the house because she didn't want to stay by herself? A No sir, father was there until a day or two before he went away.
- Q Did you have any children by this wife? A No sir.
- By J. Q. Starr: You had had some trouble with your wife before you left? A Yes, sir.
- Q How long before you left was it that this trouble occurred? A Along about a month or two before I went to the strip.
- Q Where were you living when you made this trip to the strip? A Out there by Whiteoak.
- Q How far from Whiteoak? A About half mile or three-quarters from Grayson Wills.
- Q Who were your nearest neighbors? A Grayson Wills and a fellow by the name of Yates.
- Q What was his first name? A I don't know his first name.
- Q Is your wife alive at this time? A No sir, I heard that she got drowned in the Verdigris River.
- Q Is her father and mother alive at this time? A No sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. J. Couch

Subscribed and sworn to before me this 28th day of October, 1902.

E. J. Couch

Notary Public.

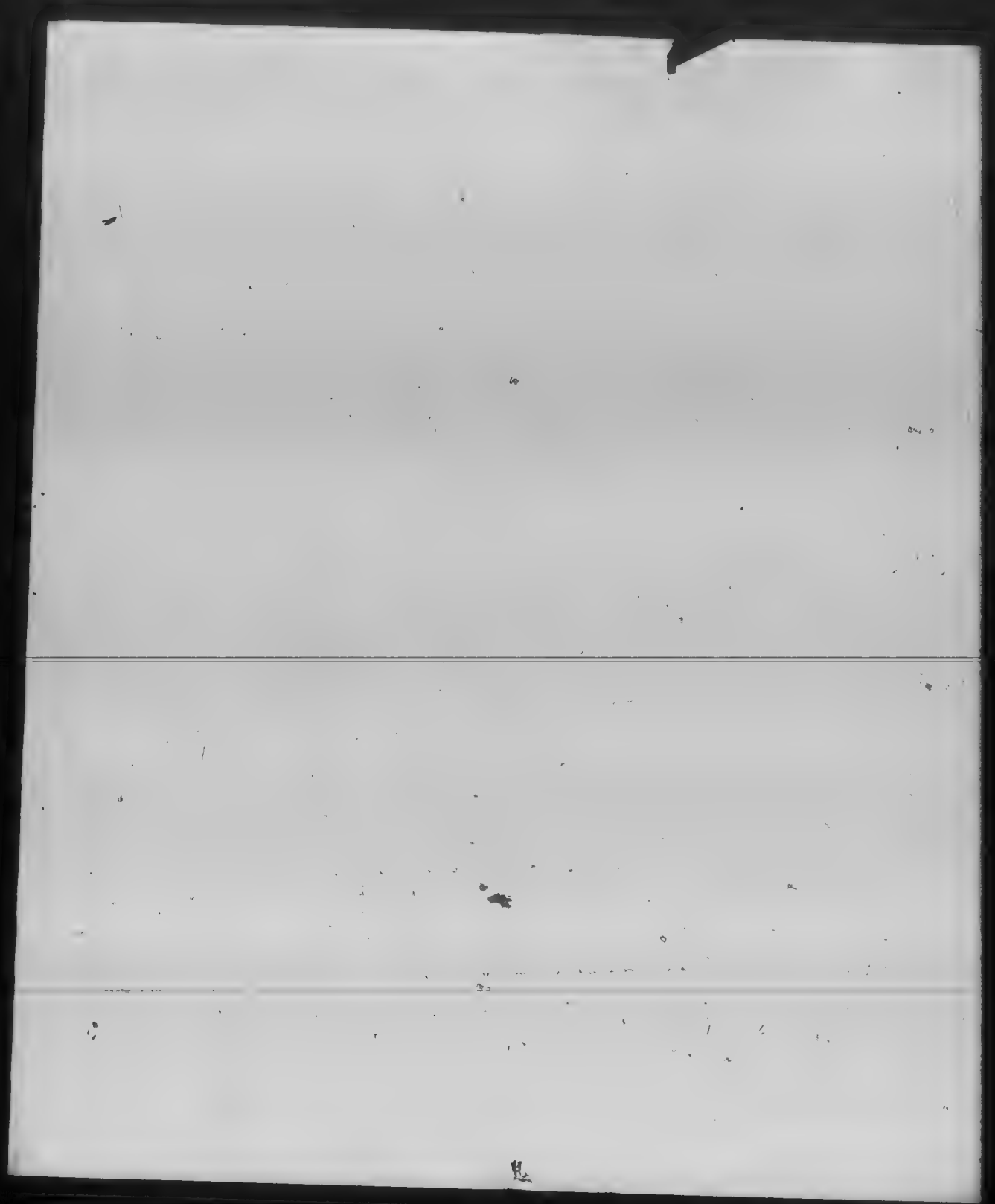
No-D-447

Edward R. Couch

Applicants Brief

For Commission

Applicant's brief for
Commission missing.



Brief of Cherokee Nation
missing

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COMMISSION TO THE FIVE CIVILIZED TRIBES.

to the effect of the application for the enrollment of
as a citizen by intermarriage of the Cherokee Nation.

DECISION

The record in the case shows that on September 26, 1900,
Edward R. Couch appeared before the Commission at Vinita, Indian
Territory, and made personal application for enrollment as a citizen
by intermarriage of the Cherokee Nation. Further proceedings in the
matter of said application were had at Vinita, Indian Territory, on
October 20, 1900, and at Muskogee, Indian Territory, on January
27, 1901, July 27, and October 7, 1901. The testimony of Ida Langley
Couch at Cherokee, Indian Territory, on October 20, 1900, has been
made part of the record in this case.

The evidence shows that the said Edward R. Couch was married
under authority of a Cherokee marriage license on May 15, 1897, to
Ida Langley, a citizen by blood of the Cherokee Nation. It appears
that he lived with his wife, Ida, about one year; that he then took
his wife to his mother's house and left her there; that he then went
away, returning in three or four weeks; that upon his return his wife
was gone from his mother's house and that he made no effort to induce
his said wife to "again live with him." It further appears that the
said Edward R. Couch obtained a divorce from his wife, Ida, on May 1,
1897, in the tribal court of the Cherokee Nation.

Section twenty-one of the Act of Congress approved June 30,
1900 (31 Stat., 495), provides for the enrollment of Cherokee citi-
zens "with such intermarried white persons as may be entitled to citi-
zenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation
(1897), provides:

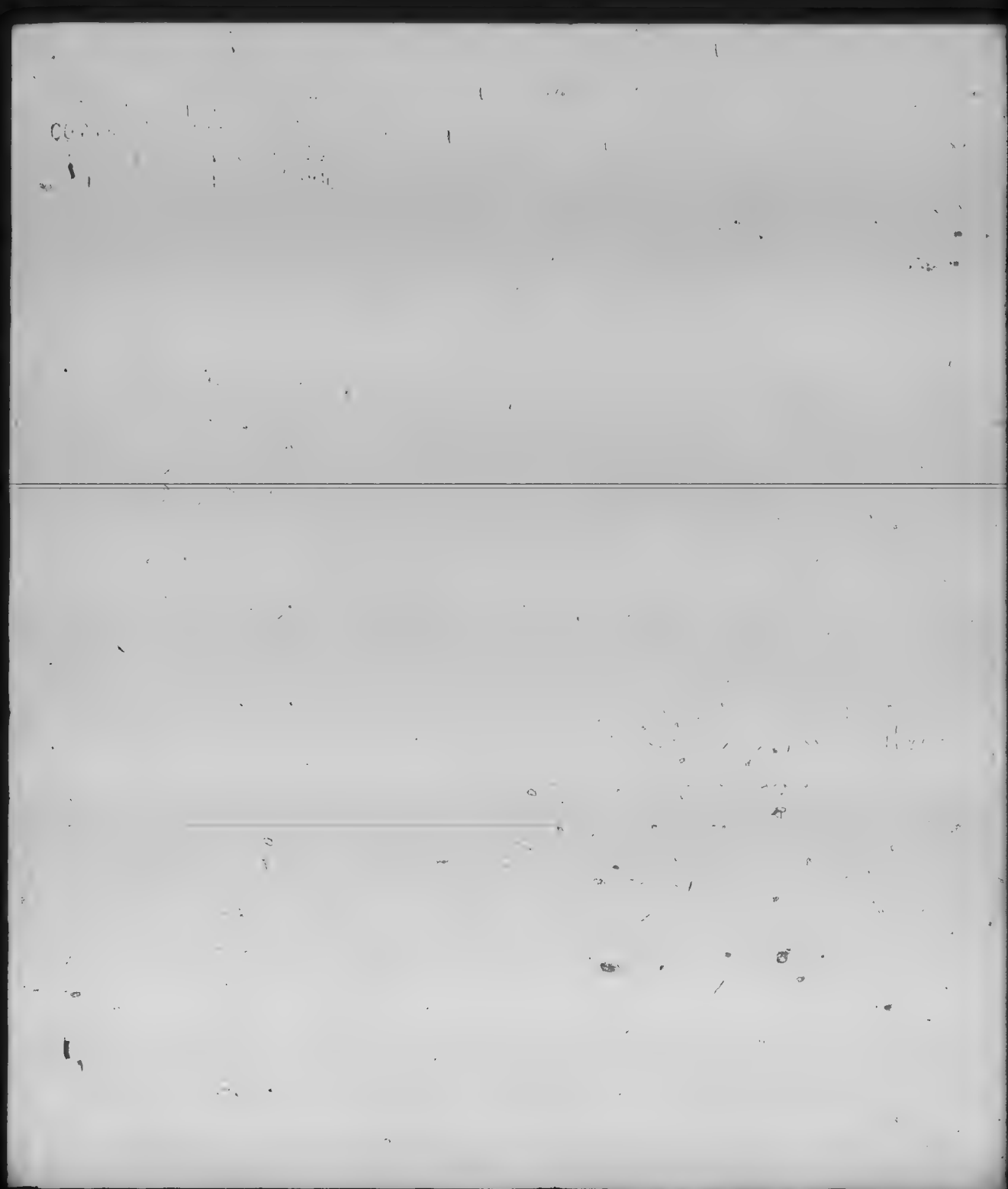
"Every person who shall lawfully marry under the provi-
sions of this act, and afterwards abandon his wife, shall there-
fore forfeit every right and privilege of citizenship of this Na-
tion."

It is, therefore, the opinion of this Commission that Edward
R. Couch abandoned his wife within the meaning of the section of the
Cherokee law above quoted, and that his application for enrollment as
a citizen by intermarriage of the Cherokee Nation should be denied,
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Acting Chairman.
[Signature]
Commissioner.
[Signature]
Commissioner.

Noted at Muskogee, Indian Territory,
this DEC 10 1902



CHEROKEES BY BLOOD AND ADOPTION.

32 *Edward E. Couch, Eagle ST.* Date *6* 1900.
Name

District Year *1896* Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law *Georgia* Date of marriage *1898*

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License *Filed* Certificate *Filed*

Names of Children:

| Dist. | Year | Page | No. | Age |
|-------|------|------|-----|-----|
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
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| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |

*Marriage license &c. attached.
None of divorce to be supplied*

Marriage License.

CHEROKEE NATION, I. T.,
DISTRICT.

To Any Person Legally Authorized to Solemnize Marriage—Greeting :

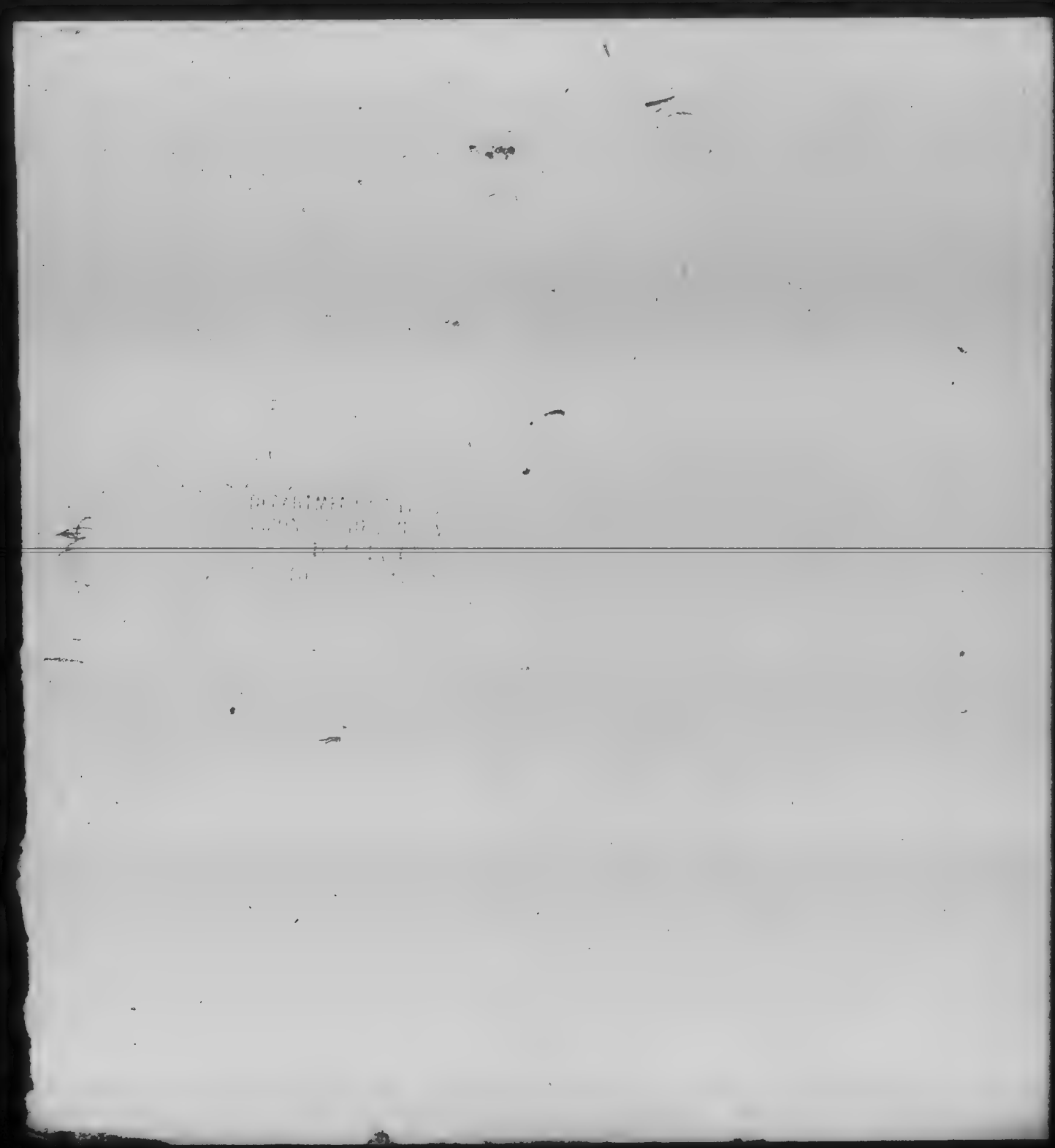
You are hereby authorized to join in the Holy Bonds of Matrimony,
and to celebrate the rites and ceremonies of Marriage, between Mr.
C. A. ..., a citizen of the United
States and *Mrs. Ida Langley*, a
citizen of the Cherokee Nation, according to the usual custom and laws
of the Cherokee Nation, and you are required to return this License to
me, for record, within thirty days from the celebration of such Marriage
with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office
this the 12 day of May

A. D. 1888

Clerk

Wm. H. ...
District.



" " "
(From docket on Page 77)

" " "
(From record of court Proceedings, Page 88)

J. B. W. Albery

Cherokee D 447

" 11, E. R. Couch,
vs.
Ida Couch

Judgment by default.
Divorce granted."

(From Docket on Page 77)

"Case No. 11 E. R. Couch
vs.
Ida Couch.

"Judgment for Plaintiff by default, May 1st, 1895."

(From record of Court Proceedings Page 88)

Executive Office Cherokee Nation,

Tahlequah, I. T.

I, B. W. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of the Circuit Court of Delaware District Cherokee Nation; that the said record has been filed in this office according to law and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the 27th day of September 1900.

B. W. Alberty

Assistant Executive Secretary

Cherokee Nation.

(S E A L)

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the certified copy on file in this office.

Gella Mieling

8

D449

DEPARTMENT OF INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 18 1902

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory.....February 11,

1902

Mr. Edward R. Couch,

Hagle, Indian Territory,

Sir:-

You are hereby notified that the application of.....yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

27th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

✓

Cherokee D-447
Register.

Yours truly,

Acting Chairman.

G-10447

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

FEB 7 1902

COMMISSIONERS

HENRY L. DAWKINS
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED IN REPLY TO THE FOLLOWING:

Muskogee, Indian Territory, February 27, 1902

Received of the Commission to the Five Civilized Tribes one copy of the original and supplemental testimony in the matter of the application of Edward R. Couch for enrollment as a citizen of the Cherokee Nation.

~~Attorney for Applicant.~~

Cherokee D-447.

Cherokee D 447

Muskogee, Indian Territory, July 9, 1902.

Mr. Edward R. Couch,

Eagle, Indian Territory.

Sir:

You are required to appear before this Commission at its office in Muskogee, Indian Territory, on or before July 24, 1902, and submit further evidence in the matter of your application for enrollment as a citizen of the Cherokee Nation, especially in regard to your residence in the Cherokee Nation, the separation of yourself and your wife, Ida, and the relations existing between yourself and the woman known as your present wife. It is important that you submit the evidence of witnesses other than yourself on these points.

Yours truly,

Acting Chairman.

Register.

Muskogee, Indian Territory, July 9, 1902.

G. E. McCullough, Esq.,
Attorney for Edward R. Couch,
Vinita, Indian Territory.

Sir:

Mr. Edward R. Couch has been notified to appear before this Commission at its office in Muskogee, Indian Territory, on or before July 24, 1902, and submit further evidence in the matter of the application for his enrollment as a citizen of the Cherokee Nation, especially in regard to his residence in the Cherokee Nation, the separation of himself and his wife, Ida, and the relations existing between himself and the woman known as his present wife.

Yours truly,

Acting Chairman.

Cherokee D 447

Cherokee D-447

Muskogee, Indian Territory, July 31, 1902

George D. McCulloch,

Attorney for Edward R. Couch,

Vinita, Indian Territory,

Dear Sir:

As requested in your letter of July 29, you are hereby advised that you will be allowed until August 10, 1902, within which to file supplemental brief on behalf of the applicant, in the matter of the application of Edward R. Couch for enrollment as a citizen of the Cherokee Nation.

Yours truly,

Acting Chairman.

Cherokee D 447.

Muskogee, Indian Territory, December 19, 1902.

Edward R. Couch,

Eagle, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, G. E. McCulleugh, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Enclosure H. No. 333.

Cherokee D 447.

Muskogee, Indian Territory, December 19, 1902.

G. E. McCullough,
Attorney for Edward R. Couch,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Edward R. Couch for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Enclosure H. No. 334.

COPY.

Cherokee D 447.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Edward R. Couch for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enclosure H.No. 335.

Cherokee D 447.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Edward R. Couch for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 10, 1902, rejecting said application.

Respectfully,

E. D. Woodson

Acting Chairman

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 336.

D.C.4335

(COPY)

Refer in reply
to the following:
Land 76 077--1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Feb. 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Edward R. Couch for enrollment as a citizen by intermarriage of the Cherokee Nation.

On December 10, 1902, the Commission rendered a decision in this case finding therein that the evidence shows that the said Edward R. Couch was married under authority of a Cherokee marriage license on May 12, 1888, to Ida Langley, a citizen by blood of the Cherokee Nation; that he lived with his wife Ida about one year; that he then took his wife to his mother's house and left her there; that he then went away, returning in three or four weeks; that upon his return his wife was gone from his mother's house; that he made no effort to induce his said wife to again live with him; and that he obtained a divorce from his wife Ida on May 1, 1895, in the tribal court of the Cherokee Nation.

By reason of the premises the Commission decided that the said Edward R. Couch abandoned his wife within the meaning of section 667 of the compiled laws of the Cherokee Nation (1892) which provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

and by reason thereof held that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied.

The office has considered the evidence in this case and is of the opinion that it supports the opinion of the Commission that the applicant herein abandoned his wife, and that under said section his rights of citizenship in said Nation were terminated thereby. It is therefore respectfully recommended that the decision herein be affirmed by the Department.

Very respectfully,

Commissioner.

W.C.B.(S)

D.C.4335

DEPARTMENT OF THE INTERIOR, FHE

J.P.

I.T.D.1014-1903. Washington,

L.R.S. February 10, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application of Edward R. Couch for enrollment as a Cherokee citizen by intermarriage.

It appears that Couch was married in 1888 in accordance with the Cherokee laws to a citizen of that Nation by blood; that he lived with her about a year, and then went away for three or four weeks; that upon his return or soon thereafter, his wife left and that he made no effort whatever to induce her to again live with him; that he obtained a divorce from his wife in 1895.

Referring to that portion of the act of June 28, 1898 (30 Stat.,495), which provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws," and to section 667 of the Compiled Laws of the Cherokee Nation which provides that

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

you rejected the application December 10, 1902.

-2-

Reporting in the matter February 2, 1903, the Acting Commissioner of Indian Affairs states that the evidence in the case supports the opinion of the Commission that the applicant abandoned his wife and that under said section of the Cherokee laws his rights to citizenship in said Nation were terminated thereby. He recommends that your decision be concurred in.

Finding no reason to disturb your decision it is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

1 inclosure.

Cherokee D-447

Muskogee, Indian Territory, February 20, 1903.

Edward R. Couch,

Eagle, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 10, 1903.

Respectfully,


Acting Chairman.

Cherokee D-447

Muskogee, Indian Territory, February 20, 1903.

G. E. McCulloch,

Attorney for Edward R. Couch,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Edward R. Couch for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 10, 1903.

Respectfully,


Acting Chairman.

Cherokee D-447

Muskogee, Indian Territory, February 20, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Edward R. Couch for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 10, 1903.

Respectfully,

Tamo Little
Acting Chairman.

Cher R 820

Cher R 820

Handwritten: 7/11/91 B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 7 1900

Handwritten signature

ACTING CHAIRMAN

ENROLLMENT REFUSED.

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 6, 1900.

In the matter of the application of Joseph E. Tyner for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Needles he testifies as follows:

Q What is your name? A Joseph E. Tyner.
Q What is your age? A Twenty-nine.
Q What is your post-office? A Campbell.
Q Have you ever been recognized by the Tribal authorities of the Cherokee Nation as a citizen? A No sir.
Q Have you ever been enrolled by the Cherokee Tribal authorities?
A No sir.
Q Does your name appear upon any of the rolls? A No sir.
Q Were you admitted by the Commission to the Five Civilized Tribes as a citizen of the Cherokee Nation under the Act of Congress approved June 10th, 1896? A No sir.
Q Were you admitted by the United States Court in the Indian Territory upon appeal from the decision of the Tribal authorities of the Cherokee Nation, or from the decision of the Commission to the Five Civilized Tribes as a citizen of the Cherokee Nation under the act of Congress approved June 10th, 1896? A We ~~didn't~~ ~~appeal~~ ~~to that court~~, but it seems like we were left out. I never ~~yet~~ could find out anything about it; I don't know whether it appears in the Cherokee Court or not.

Com'r Needles: Your application for enrollment as a citizen of the Cherokee Nation is refused, for the reason that under the Act of Congress approved May 31st, 1900, in the Indian Appropriation Bill this Commission has no authority to receive, consider or make any record of any application of any person for enrollment in any tribe in the Indian Territory who has never been enrolled or admitted as such. Said law further provides that the refusal of the Commission to entertain your application shall be final when approved by the Secretary of the Interior. The Commission will transmit its decision denying your application to the honorable Secretary of the Interior for his approval when the final rolls of the Cherokee Nation are sent to him for consideration and approval.

W. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

W. Green

Subscribed and sworn to before me this 6th day of August 1900.

[Signature]

Commissioner.

Theresa A. B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE LAND OFFICE

FILED IN

AUG 6 1900

"R"

Cherokee D 1191

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1, 1902.

In the matter of the application of Joseph F. Tyner for the
enrollment of himself as a citizen of the Cherokee Nation,
SUPPLEMENTAL:

Appearances:

N.A.Gibson, Muskogee, I. T., attorney for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorney were
notified by registered letter February 14, 1902, that the appli-
cation of Joseph F. Tyner for enrollment as a citizen of the
Cherokee Nation would be taken up for final consideration by
the Commission at its offices in Muskogee, Indian Territory,
the first day of March, 1902. Receipt has been acknowledged
of the Commission's letter and the applicant this day to-wit:
the first day of March, 1902, appears in person and by his
attorney, N.A.Gibson.

JOSEPH F. TYNER, being first duly sworn and being examined
testified as follows:

BY MR. GIBSON:

- Q What is your name? A Joseph F. Tyner.
Q How old are you? A 31.
Q Where did you live in the year 1896? A In the Cherokee Nation.
Q Who was your father? A John H. Tyner.
Q What relation was he to Jesse L. Tyner? A Brother.
Q When did your father die? A I don't know exactly, about three
years ago though.
Q What relation are you to John W. Tyner? A Cousin.
Q The records show that you made an application to the Commission
for enrollment as a Cherokee citizen in 1896; who was your attorney
at that time? A Watts.
Q State whether or not you ever instructed your attorney to appeal
from the decision of the Commission to the Five Civilized Tribes
refusing to enroll you? A My attorney?
Q State whether you instructed your attorney to take an appeal
from that decision? A Why no, Jesse L. Tyner came ~~had~~ up there
~~time~~ to him and he had ~~taken~~ to have an appeal taken on all of
the cases and that's how come us left off.
Q Where have you lived since 1896? A Cherokee Nation, Campbell.
Q Are you married? A No sir.

MR. HASTINGS waives cross-examination.

BY COMMISSION: The attorney for the applicant and the
representative of the Cherokee Nation present submit this
case and same is ordered closed and reported to the Commission
for final decision, based upon the evidence now of record.

M.D.Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 4, 1902.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph F. Tyner for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 6, 1900, Joseph F. Tyner appeared before the Commission at Sallisaw, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1902.

It appears from the records of the Commission that on September 8, 1896, an application was filed with the Commission to the Five Civilized Tribes for the admission of said Joseph F. Tyner as a citizen by blood of the Cherokee Nation, under the Act of June 10, 1896, (29 Stats., 321); that the application was denied by the Commission, and that no appeal was taken.

It does not appear from the evidence in this case that the applicant has ever been enrolled by the tribal authorities of the Cherokee Nation; neither does it appear that he has ever been admitted to citizenship in the Cherokee Nation by the legally constituted authorities of said Nation; nor does it appear that he has ever been admitted to citizenship in the said Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory in accordance with the provisions of the Act of Congress, approved June 10, 1896, (29 Stats., 321).

The Act of Congress of May 31, 1900, (31 Stats., 221) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Joseph F. Tyner is not a citizen of the Cherokee Nation, and duly and lawfully enrolled or admitted as such; and that, pursuant to the provision of law above quoted it is without authority to receive, consider, or make any record of his application for enrollment as a citizen of the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this DEC 10 1902

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171191
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 26 1902

COMMISSIONERS:
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 14,

1902.

Mr. Joseph Tyner,

Campbell, Indian Territory,

Sir:-

You are hereby notified that the application of yourself:

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the first day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

This cancels notice heretofore sent you that your case would be heard on the seventeenth day of February, 1902.

Copy to W.A. Gibson, Yours truly,
Muskogee, I.T.

Cherokee D-1191
Register.

Acting Chairman.
~~XXXXXX~~

Commissioner in Charge.

Cherokee D 1191.

Muskogee, Indian Territory, December 19, 1902.

Joseph F. Tyner,
Campbell, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. There has this day been forwarded your attorney, N. A. Gibson, Muskogee, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. C. C. C.
Acting Chairman.

Register.

Enclosure H. No. 340.

Cherokee D 1191.

Muskogee, Indian Territory, December 19, 1902.

N. A. Gibson,

Attorney for Joseph F. Tyner,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of Joseph F. Tyner for the enrollment of himself as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated December 10, 1902, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Enclosure H. No. 341.

Cherokee D 1191.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Joseph F. Tyner for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enclosure H. No. 342.

Cherokee D 1191.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Joseph F. Tyner for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated December 10, 1902, rejecting said application.

Respectfully,

Acting Chairman.
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 343.

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D.C.4316.

(Copy)

Refer in reply to the DEPARTMENT OF THE INTERIOR,
following:

Land
76077--1902.

Office of Indian Affairs,

Washington, Jan.30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Joseph F. Tyner for enrollment as a citizen by blood of the Cherokee Nation.

On December 10, 1902, the Commission rendered a decision in this case finding from the evidence that the applicant has never been enrolled by the tribal authorities of the Cherokee Nation; that he has never been admitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof; and that he has never been admitted to citizenship in the Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress approved June 10, 1896 (29 Stats.,321); and that by reason thereof the Act of Congress of May 31, 1900 (31 Stats.,221), is applicable in his case. Said Act provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

-2-

The office has examined the record of evidence and considers that it sustains the facts set out in said decision by the Commission, and that its decision finding that it is without authority to receive, consider, or make any record of the application of said Joseph F. Tyner for enrollment as a citizen of the Cherokee Nation is correct, and recommends that the same be approved and affirmed by the Department.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

W.C.B.(S)

8
D.C.4316.

J.P.
FHE

DEPARTMENT OF THE INTERIOR,

I.T.D. 952-1903. Washington.

L.R.S.

February 9, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 30, 1903, the Acting Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of Joseph F. Tyner, as a citizen of the Cherokee Nation, and recommended that your decision rejecting the application in accordance with the act of May 31, 1900 (31 Stat., 221), be approved. The case (D1191) was submitted with your letter of December 19, 1902.

The Department affirms your decision. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

Cherokee D-1191

Muskogee, Indian Territory, February 20, 1903.

Joseph F. Tyner,
Campbell, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 9, 1903.

Respectfully,

Acting Chairman.

BY:

Cherokee D-1191

Muskogee, Indian Territory, February 20, 1903.

H. A. Gibson,

Attorney for Joseph F. Tyner,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Joseph F. Tyner for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 9, 1903.

Respectfully,

Acting Chairman.

COPY

Cherokee D-1191

Muskogee, Indian Territory, February 20, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Joseph F. Tynner for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 9, 1903.

Respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAY 20 1901


ACTING CHAIRMAN

COMMISSIONERS.

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make doubtful to consult Dawes and Court record;
judgment stated.

Cherokee D 1191

Cher R 821

Cher R 821

DEPARTMENT OF
COMMISSION TO THE F

NOV 13 1902

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 16, 1902.

In the matter of the application of John T. Pickard for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary E. Pickard, and his six minor children, William H., Narcissa J., Robert B., Dewey C., Katie E. and Maude V. Pickard, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JOHN T. PICKARD, being sworn, testified as follows:

By the Commission,

- Q What is your name? A J. T. Pickard.
Q John T. Pickard? A Yes, sir.
Q How old are you? A I am thirty-six years old.
Q What is your postoffice? A McLain.
Q You are a white man, are you? A Yes, sir.
Q Are you claiming as a citizen by intermarriage? A Yes, sir.
Q What is the name of the wife through whom you claim your citizenship? A The name of my wife?
Q Yes. A Her name was Crane before I married her.
Q What was her first name? A Mary E.
Q Is she a Cherokee by blood? A Yes, sir.
Q How long has she been living in the Cherokee Nation? A She has been here ever since, I guess, about '80. Her mother went over to the Choctaw Nation and come back about '80.
Q You think your wife has been living in the Cherokee Nation since 1880? A Yes, sir.
Q When were you married to her? A In '92.
Q Were you married under a Cherokee marriage license? A Yes, sir, in 1892.
Q Was Mary E. your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Neither you nor your wife had ever been married before, had you? A No, sir.
Q Have you been living with your wife ever since you married her? A With the exception of eight or ten months right after we married.
Q You separated right after your marriage? A Yes, sir.
Q And did not live together for eight or ten months? A Yes, sir.
Q What was the cause of your separation? A I don't know. There was not much cause, she just took a notion she wanted to go home. That was before the second child was born she wanted to go home. She wanted to go home to be confined.
Q And stayed away ten months? A Yes, sir.
Q And she came back to you? A Yes, sir.
Q Been living together ever since? A Yes, sir.
Q Never been separated since that time? A No, sir.
Q Have you made your home in the Cherokee Nation ever since your marriage? A Yes, sir.
Q Never been out anywhere else? A No, sir, I have never went out of the Territory.
Q How many children have you by your wife, Mary? A Six children, five living.
Q What are their names? A William H., Narcissa J., Robert B., Dewey C. and Katie E.; Katie's the one dead.
Q When did she die? A May 6, '91.
Q There are five living, one more dead? What is the name of your

oldest child? A William M.
Q What is the name of your second child? A Narcissa.
Q And your third child? A Robert B.
Q And your fourth child? A Dewey C.
Q Is that your youngest living child? A No, sir. I have one more, it's named Maud. I can't keep up with their names, Maud something, though.
Q When was it born? A It was born last February, I believe; I declare, I had not thought much about it.
Q Born last February, February of this year? A Yes, sir. Maudie May I believe is its name. My recollection is awful bad.
Q Did you ever apply for its enrollment? A Yes, sir. We fetched it here, Maudie May.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 13th day of November, 1902.

B. C. Jones

Notary Public.

20

IN RE

Application for Enrollment of

INFANT CHILD

Natie E. Picard

as a citizen of

Cherokee Nation.

Approved: *[Signature]* MAR 28 1901 190
Commissioner.

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 28 1901

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Katie E. Pickard, born on the 12th day of February, 1901
(Here insert name of child)
Name of Father: J. T. Pickard, a citizen of the Cherokee Nation.
Name of Mother: Mary E. Pickard, a citizen of the Cherokee Nation.
Post-office, M. Lavin, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

Northern INDIAN TERRITORY, District. }

I, *Mary E. Pickard*, on oath state that I am *25* years of age and a citizen, by *blood*, of the *Cherokee* Nation; that I am the lawful wife of *J. J. Pickard*, who is a citizen, by *adoption*, of the *Cherokee* Nation, that a *female* child was (male or female) born to me on the *12th* day of *February* 1901; that said child has been named *Katie E. Pickard*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Mary E. Pickard

Subscribed and sworn to before me this *26th* day of *March* 1901.

N. A. Gibson
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }

Northern INDIAN TERRITORY, District. }

I, *Louisa J. Crane*, a *midwife*, on oath state that I attended on Mrs. *Mary E. Pickard*, wife of *J. J. Pickard*, on the *12th* day of *February*, 1901; that there was born to her on said date a *female* child; that said child is now living and is said to have been named *Katie E. Pickard*. (male or female.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

Louisa J. Crane

N. A. Gibson
Mary E. Pickard

Subscribed and sworn to before me this *26th* day of *March* 1901.

N. A. Gibson
NOTARY PUBLIC.

IN RE
THE DEATH OF

Nathaniel

a citizen of the

Nation.

Approved

T. H. Medin

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

Katie E. Pickard
(Here insert name of deceased.)

a citizen of the

Cherokee

Nation, who formerly resided at or near

McLain
(Here insert name of post office.), Ind. Ter., and died on the *16* day of *May*

1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,

Western District.)

I, *John T. Pickard*, on oath state that I am *35*
years of age and a citizen, by *intermarriage*, of the *Cherokee* Nation;
that my post office address is *McLain*, Ind. Ter.; that I am
father of *Katie E. Pickard*
(State relationship as: the father, an uncle, a cousin, etc.) (Here insert name of deceased)
who was a citizen, by *blood*, of the *Cherokee* Nation;
and that said *Katie E. Pickard* died on the *16* day of

May, 1901.
WITNESSES TO MARK.

John T. Pickard

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this *16* day of *October*, 1902.

George C. Jones
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,

District.)

I, _____, on oath state that I am _____
years of age, and a citizen, by _____, of the _____ Nation;
that my post office address is _____, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with _____
(Here insert name of deceased.)
who was a citizen, by _____, of the _____ Nation;
and that said _____ died on the _____ day of _____
(Here insert name of deceased.)

, 1

WITNESSES TO MARK.

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this _____ day of _____, 1902.

Notary Public.

10184

IN RE
THE DEATH OF

Walter C. ...

a citizen of the

Cherokee

Nation.

Approved

1902

C. R. McKinstry

Commissioner.

ESTABLISHED BY THE ACT OF MARCH 3, 1875
COMMISSION TO THE FIVE CIVILIZED TRIBES

APR 1, 1902

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of...

Natie E. Richard

(Here insert name of deceased.)

a citizen of the

Cherokee

Nation, who formerly resided at or near

McLain

(Here insert name of post office.)

, Ind. Ter., and died on the 16 day of

May 1901,

1

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Western

District.)

I, Maude M Crane

on oath state that I am 19

years of age and a citizen, by blood, of the Cherokee Nation;

that my post office address is McLain, Ind. Ter.; that I am

an aunt

of

Katie E. Richard

(State relationship, as: the father; an uncle; a cousin, etc.)

(Here insert name of deceased.)

who was a citizen, by blood, of the Cherokee Nation;

and that said Katie E. Richard died on the 16 day of

May, 1901

(Here insert name of deceased.)

Maude M Crane

WITNESSES TO MARK.

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 17 day of Oct 1902

My Com. & 7/2 / 16

Ernest Brown
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Western

District.)

I, Louisa J Crane

, on oath state that I am 58

years of age, and a citizen, by blood, of the Cherokee Nation;

that my post office address is McLain, Ind. Ter.;

that I was personally acquainted with Katie E. Richard

(Here insert name of deceased.)

who was a citizen, by blood, of the Cherokee Nation;

and that said Katie E. Richard died on the 16 day of

May, 1901

(Here insert name of deceased.)

Louisa J. Crane
Her Mark

WITNESSES TO MARK.

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 17 day of Oct 1902

My Com. & 7/2 / 16

Ernest Brown
Notary Public.

For record in original appli-
cation see Cherokee No. 10117.

Cher R 822

Cher R 822

IN RE
THE DEATH OF

John S. ...

a citizen of the

State of ...

Nation.

Approved MAR 5 1902

C. R. McKinney

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Robert L. Alexander*
(Here insert name of deceased.)
a citizen of the *Cherokee* Nation, who formerly resided at or near
Grove, Ind. Ter., and died on the *1st* day of *September*
(Here insert name of post office.)
1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Northern District.)

I, *Elmer H. Alexander*, on oath state that I am *33*
years of age and a citizen, by *blood*, of the *Cherokee* Nation;
that my post office address is *Grove*, Ind. Ter.; that I am
the father of *Robert L. Alexander*,
(State relationship, as: the father, an uncle, a cousin, etc.) (Here insert name of deceased)
who was a citizen, by *blood*, of the *Cherokee* Nation;
and that said *Robert L. Alexander* died on the *1st* day of
September, 1901.
(Here insert name of deceased)

WITNESSES TO MARK

(Must be Two)
Witnesses }

Subscribed and sworn to before me this

3rd day of *March* 1902

J. S. Renshaw
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Northern District.)

I, *Charrietta*, on oath state that I am *19*
years of age, and a citizen, by *Intimarrige*, of the *Cherokee* Nation;
that my post office address is *Grove*, Ind. Ter.;
that I was personally acquainted with *Robert L. Alexander*,
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by *blood*, of the *Cherokee* Nation;
and that said *Robert L. Alexander* died on the *1st* day of
September, 1901.
(Here insert name of deceased.)

WITNESSES TO MARK

(Must be Two)
Witnesses }

Subscribed and sworn to before me this

3rd day of *March* 1902

J. S. Renshaw
Notary Public.

For record in original appli-
cation see Cherokee No.10119.

Cher R 823

Cher R 823

SD 754

32

IN RE
THE DEATH OF

Daniel E. Little

a citizen of the

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

Daniel E. Little

(Here insert name of deceased.)

a citizen of the

Cherokee

Nation, who formerly resided at or near

Winita

(Here insert name of postoffice.)

, Ind. Ter., and died on the

sixteenth

day of

December

, 1 901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }

Western District }
I, *Lenna B. Little*

, on oath state that I am *25*
years of age and a citizen, by *INTERMARRIAGE* of the *Cherokee* Nation;
that my post office address is *Winita*, Ind. Ter.; that I am

the widow of *Samuel E. Little*,
(state relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by *blood*, of the *Cherokee* Nation;
and that said *Samuel E. Little* died on the *16th* day of

December, 190*1*.
Lenna B. Little

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this *5th* day of *October*, 190*2*.

Bruce E. Jones

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }

Western District. }

I, *Lawson Payne*, on oath state that I am *113*
years of age, and a citizen, by *intermarriage*, of the *Cherokee* Nation;
that my post office address is *Winita*, Ind. Ter.;

that I was personally acquainted with *Samuel E. Little*,
(Here insert name of deceased.)
who was a citizen, by *blood*, of the *Cherokee* Nation;
and that said *Samuel E. Little* died on the *16th* day of

December, 190*1*.
Lawson Payne

WITNESSES TO MARK:

(Must be Two
Witnesses.)

W. H. Wallace
Mabel F. Mayhew
Subscribed and sworn to before me this *5th* day of *October*, 190*2*.

Bruce E. Jones

Notary Public.

For record in original application see Cherokee No. 10124.

Cher R 824

Cher R 824

#2820

32

IN RE
THE DEATH OF

Job. B. Rogers
a citizen of the

Cherokee Nation.

Approved

190

C. H. Brantley
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Job B Rogers
• (Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Chelsea, Ind. Ter., and died on the 29th day of
May, 1902.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Robert F. Wylie, on oath state that I am 75
years of age and a citizen, by Intermarriage, of the Cherokee Nation;
that my post office address is Tahlequah, Ind. Ter.; that I am
the father-in-law of Job B Rogers,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Intermarriage, of the Cherokee Nation;
and that said Job B Rogers died on the 29th day of
May, 1902.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 23rd day of October, 1902.

John Kessen
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Edward C Hicks, on oath state that I am 38
years of age, and a citizen, by Blood, of the Cherokee Nation;
that my post office address is Tahlequah, Ind. Ter.;
that I was personally acquainted with Job B Rogers,
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by Intermarriage, of the Cherokee Nation;
and that said Job B Rogers died on the 29th day of
May, 1902.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 23rd day of October, 1902.

John Kessen
Notary Public.

For record in original appli-
cation see Cherokee No.10120.

Cher R 825

Cher R 825

Commission in Charge

Home Office

Home Office

Home Office

Home Office

Home Office

Home Office

Home Office

Home Office

Home Office

Home Office

Home Office

Home Office

Home Office

Home Office

Cherokee D-84.

Muskogee, Indian Territory, April 11, 1902.

Mr. Joe Wilson,

Webbers Falls, Indian Territory,

Dear Sir:

The Commission is in receipt of death affidavit as to the death of your son Houston Wilson, on the 5 day of October, 1902.

The affidavit is returned to you herewith and you are requested to have your signature which is by mark, witnessed by two persons other than the notary public before whom the affidavit was executed.

When the corrections referred to have been made, return the affidavit to the Commission at its offices in Muskogee, Indian Territory, where it will receive further consideration.

Yours truly,

Commissioner in Charge.

Encl. B-6.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES
C. B. BRECKINRIDGE.

ALLISON L. AYIESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-84

Muskogee, Indian Territory, August 12, 1902.

Joseph T. Wilson,

Webbers Falls, Indian Territory,

Dear Sir:

In the matter of your application for the enrollment of yourself, wife, and your child Houston, as citizens of the Cherokee Nation, you are requested to supply this Commission with properly executed affidavit as to the birth of your child Houston.

It is very important that this affidavit should be supplied at the earliest possible date.

Yours truly,

Acting Chairman.

Encl. 1 b.c.

*This child Houston died Oct 7" 1900
Joseph C. Wilson
9/3*

For record in original appli-
cation see Cherokee No.10166.

Cher R 826

Cher R 826

(COPY)
DOUBTFUL, as to wife, Sue, and youngest child, Joseph V.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 18, 1900.

In the matter of the application of John E. Welch for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

- Q What is your name? A John E. Welch.
Q What is your age? A About 56.
Q What is your postoffice address? A Edna, Kansas.
Q What District do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A I am.
Q By blood? A By blood.
Q Who do you desire to enroll? A Myself and wife and 3 children.
Q What is the name of your wife? A Sue.
Q Is she a citizen by blood? A By adoption.
Q What is her age? A She is 33.
Q Have you any certificate of marriage as to her? A Yes sir.
(Produces papers)
Com'r: The applicant presents certificate of marriage certifying that he was married to one Sue Andrews on the 3rd day of May 1893.
Q What are the names of your children? A Charley.
Q No middle name? A No sir.
Q How old is he? A 14 years old.
Q Next child? A Jesse, a boy.
Q How old is Jesse? A He is about 12 years old.
Q Next one? A Next one is Joseph V.
Q How old is he? A He is 3 years old.
Q You have been living with your wife continuously since you were married? A Yes sir.
Q Living with her now? A Yes sir.
Q Are these children all alive? A Yes sir, these children are all living.
Q Are you the first husband of Sue Andrews? A Yes sir.
Q Is she your first wife? A No sir.
Q Is your first wife living? A I suppose so.
Q When did you marry her? A I married her in Texas. And we separated; she was divorced, - raised a family, I don't know where she is.
Q ~~Was~~ Was she divorced? A Yes sir, I suppose so, she married again.
Examined by Cherokee Atty. W. W. Hastings:
Q Who is the mother of Charley and Jesse? A She is a Cherokee woman named Johnanna Hensley. These children I suppose belong to me, and I have got letters of guardianship for them.
Q Have you got them in your custody? A I have had them ever since they was little bits of things, and I enrolled them on the 1896 roll, and I had them long before that; I obtained letters of guardianship some years ago.
By Com'r Needles:
Q Is Johnanna Hensley living? A I don't know.
Q She is the mother of Charley and Jesse? A Yes sir.
Q Who is the mother of Joseph V.? A My present wife.
Q Have you any proof of divorce between yourself and first wife?
A No sir, I haven't.
Q You don't know whether she was ever divorced or not? A I do not, only by hearsay; I heard that she was divorced and raised a family. And her two boys came to this country, and they informed me that she was divorced and married again, and spoke to me about her children, and then I saw a letter from their half-brothers to these boys that came from Texas. And then afterwards I married again; I was married twice then, and I was arrested for it, - taken up and tried and sent away on the charge of bigamy, and the last woman that I had married then, that I was sent off for, she married soon after I left, and I guess - when I came back I married this woman that I am living with.

Q This is your third wife, Sue? A She is my fourth wife; they claim that the third time I married it was illegal.

By Cherokee Rep've W. W. Hastings:

Q That's what you were convicted on? A Yes sir.

Q And you found your last wife married when you came back?

A Yes sir.

By Com'r Needles:

Q That is, your wife before your last wife, you found she was married when you came back from prison? A Yes sir.

Q Have you any children by her? A Had one child.

Q Is it living? A I don't know anything about that child.

Q Is this wife you had before Sue an Indian? A No sir, she is a white woman; married a white man down there at Ft. Smith.

Q You came back from prison here the year about 1893? A 1892.

Q And married Sue Andrews in 1893? A Yes sir.

Q And have been living with her continuously ever since? A Yes sir.

Q And you have one child by her? A One by her.

1880 roll page 399 #1405 John E. Welch Flint native

1896 roll page 914 #2071 John E. Welch Illinois

1896 roll page 937 # 208 Sue Welch "

1896 roll page 914 #2073 Charley Welch "

1896 roll page 914 #2074 Jessie Welch "

1880 roll page 25 #1214 John Anna Hensley Delaware native Cherokee.

Q Is your boy Dennis living? A He has been enrolled; he was enrolled at Chelsea as M. E. Welch; he was on the 1880 roll.

Q These children are all living with you? A Yes sir.

Com'r Needles: The name of John E. Welch is found upon the authenticated roll of 1880 as well as the census roll of 1896; he presents satisfactory proof of marriage to one Sue Andrews, a non-citizen, certifying that he was married on May 3, 1893; he avers that he has 2 children, Charley and Jesse, children of Johnanna Hensley, a Cherokee citizen by blood, and the name of Johnanna Hensley appears upon the authenticated roll of 1880; he also avers that he has one child, Joseph V., by his present wife, whose name does not appear upon the census roll of 1896, having been born since same was compiled; parties are all duly identified according to page and number of the roll as indicated in the testimony, consequently said John E. Welch, and his children, Charley and Jesse will be duly listed for enrollment as Cherokee citizens by blood; by reason of the testimony the enrollment of his wife Sue and his child Joseph V. by said wife is suspended, and their names will be placed upon a doubtful card, awaiting proof of birth as to Joseph V. Welch and the decision of the Commission as to the citizenship of his wife, Sue, and of said child Joseph V., by reason of his former marriage, the facts in the case being fully set forth in the testimony.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony & proceedings in this case & that the foregoing is and true & complete transcript of his stenographic notes thereof.

(signed) M. D. Green

Subscribed and sworn to before me this December 19, 1900.

(signed) C. R. Breckinridge,

(MFM)

Commissioner.

(COPY)

R.

C. D-1011.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Sue Welch for the enrollment of herself and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

(signed) Wm. Hutchinson

(MFM)

Cherokee D 1011

Blue County, C. N.

This is to show that John E. Welch and Miss Sue Andrews was
joined in Marriage by me on this the 3rd day of May A. D . 1893.

James C. Powers,
Minister of the Gospel.

I, the undersigned, as stenographer to the Commission
to the Five Civilized Tribes, do certify that the above is a full
and correct copy of the original certificate on file in this office

Lella Mullen

Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date. Dec 18 1900 1900.

Name

District..... Year..... Page..... No.....

Citizen by blood **Mother's citizenship**.....

Intermarried citizen.....

Married under what law Date of marriage

License **Certificate**

License (33)

Wife's name Sue Welch

Year 1896 Page 937 No. 208

Citizen by blood.....No..... Mother's citizenship.....

Intermarried citizen..... **Yes**

Married under what law Date of marriage.....

License.....Certificate.....

Names of Children:

Names of Children

| Names of Children | Dist. | Year | Page | No. | Age |
|-------------------|-------|------|------|-----|-----|
| Joseph V. Welch | | | | | 3 |

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist..... Year..... Page..... No..... Age.....

Dist. Year..... Page..... No. Age.....

Dist..... Year..... Page..... No..... Age.....

Dist..... Year Page..... No..... Age.....

Dist. Year Page No. Age

Dist. Year. Page. No. Age.

Dist. Year Page No. Age

Dist..... Year..... Page..... No. Age.....

2 Birth affidavit required.

(MEM)

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 28th, 1902.

In the matter of the application of Sue Welch for the enrollment of herself as a citizen by intermarriage and her son, Joseph V. Welch, as a citizen by blood of the Cherokee Nation.

Supplemental to D-1011.

Appearances:

Applicant appears by her husband, John Welch.
Cherokee Nation appears by W. W. Hastings.

John Welch, being duly sworn, testified as follows:
Examination by the Commission.

- Q What is your name? A John Welch.
- Q How old are you? A I am about 54 years old.
- Q What is your postoffice address? A My postoffice now is Hutchings, Indian Territory.
- Q How often have you been married? A I was married in Texas first,
- Q How many times? A I have been married four times.
- Q What was the name of your first wife? A My first wife--Mary.
- Q Maiden name? A She was a widow when I married her. Beller.
- Q How long did you live with her? A I lived with her about four years.
- Q Were you divorced from her? A No sir; I left there and afterwards she procured a divorce.
- Q What was the name of your second wife? A My second wife was a Cherokee.
- Q What was her name? A Rebecca Morris.
- Q How long did you live with her? A I lived with her about six years.
- Q Were you divorced from her? A She died.
- Q After her death who did you marry? A After her death I married a Chandler. Eliza Chandler.
- Q How long did you live with her? A I lived with her about three years.
- Q Were you divorced from her? A She was divorced, got a divorce in Judge Tehee's court.
- Q Who did you marry after that? A Wilkes.
- Q What was her given name? A Clarie. She became dissatisfied on account; she claimed that the person performing the ceremony wasn't an ordained minister of the gospel. She claimed that it was no marriage and we separated.
- Q Who married you? A A fellow by the name of Morris.
- Q Is she the mother of these two children? A No sir.
- Q Who is the mother? A They are by a Cherokee woman.
- Q Their mother was a Cherokee? A She was a Cherokee.
- Q Were you ever married to her? A No sir.
- Q Ever live with her? A Never lived with her a day.
- Q Who did you marry after the separation from your wife that you just spoke of? A You asked me on the start---I am speaking of it as being legally married. I was married four times legally.
- Q You lived with five women? A Yes sir.
- Q What is the name of the fifth woman? A Sue Andrews.
- Q When were you married to her? A 1892.
- Q Cherokee or white? A She is a white woman. She said she was Cherokee and her mother also swore it but never proved her rights in the country.
- Q Now if I understand you correctly, you were divorced from your first wife and lived with your second wife until she died?
- A Yes sir.

- Q Your third wife? A Divorced.
- Q Divorced from her? A Yes sir.
- Q The fourth, you claim you were never married? A Never married.
- Q The fifth woman is your present wife? A Yes sir.
- Q How long did you live with this fourth woman? A I lived with her about two years. Not two years. Lived with her about nine months. Lived with this one about nine months.
- Q Did you have any children by her? A I didn't. I didn't have any children.
- Q Were there any children born? A There was a child born but I claim it didn't belong to me.
- Q When was it born? A It was born before nine months from the time we commenced living together.
- Q How long had you known her before you commenced living with her? A I knew her for only a short while.
- Q During these nine months, did you live together as man and wife? A Yes sir.
- Q You introduced her in the neighborhood as your wife? A Yes sir.
- Q She recognized you as her husband? A She did until she found that out.
- Q What led you to believe that the man performing the ceremony wasn't authorized to do so? A Simply because I saw his credentials. He was only a deacon.
- Q He wasn't an ordained minister? A No sir.
- Q What was his name? A Morris.
- Q What was his given name? A Parker Morris.
- Q What was he? A I mean what was his citizenship? A Cherokee.
- Q Where was he living? A Goingsnake.
- Q Where were you living? A I was living in Flint district.
- Q About how far from him? A I was living, I suppose, about ten miles.
- Q Had you known him before he performed the ceremony? A Yes sir.
- Q For how long? A Since I was a boy, but I thought he was an ordained minister.
- Q Did he ever preach the gospel out there? A No, he never had preached. I never heard of his preaching at all.
- Q How long after your so-called marriage was it that you found out he wasn't an ordained minister? A Well, it was some six or eight months.
- Q Well, you continued living together? A No, we separated.
- Q The first time you said two years, then you said nine months.
- A Then I recollected and said it was nine months.
- Q How much was it? A It was---I said the child was born in less than nine months. That is the reason, the child was born in less than nine months after she left me; less than nine months after she left. It was born in less than nine months from that time.
- Q From the date of your marriage to the birth of this child less than nine months had expired? A Yes sir.
- Q Was your present wife ever married before she married you? A No sir.
- Q How long had you known her before you were married? A I had known her quite a while; I suppose a year.

Examination by Mr. Hastings.

- Q Did you ever hear of her being married before? A No sir.
- Q Have you any reason to believe that she had been married? A She never had been married. Now, I will tell you. They arrested me and carried me to Fort Smith on that very charge. They summoned Parker Morris and Parker Morris, for the purpose of saving himself, swore he was a minister. They convicted me there and sent me away. And then after I came back I married this woman.

I lived with another woman down in the State of Arkansas down there and she came up and they arrested me on that question, and she claimed then, this woman did, that she was my wife, and Morris came up and thought he would get into it and he testified to this. He only had credentials as a deacon.

Q What was the name of this Arkansas woman? A Biswell.

Q How long did you live with her? A I only lived with her a short time.

Q Were you married to this woman in Arkansas? A They claimed that I was. She swore that I was.

Q Do you know whether you were or not? A The man that performed that ceremony, I didn't consider that he was authorized to do so.

Q Who was it? A He was a man up in her country.

Q Don't you know as a matter of fact that he was an ordained minister? A No, sir; I don't. He would get up and talk sometimes. I don't know whether he was or not. I was arrested and sent off for that thing.

Q How long did you say you lived with that woman? A About a year. Something nearly a year.

Q Did you have any children by her? A She had two, so I am told. I don't know.

Q Were these children born during the time you lived with her?

A There was one.

Q When was it born? A I don't know.

Q Have you ever seen either child? A I saw one.

Q The one that was born afterwards? A No sir.

Q How long after your conviction for bigamy was it before you married your present wife? A It was-----

Q Is there any further statement you desire to make relative to your case and the case of your wife? A No, I believe not.

Nothing more than I stated. I said that she had two children. This last woman. I ask the youngest one to be enrolled. If you desire anything I would like to know it.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) Jesse O. Carr.

Subscribed and sworn to before me this 12 day of July, 1902.

(signed) P. G. Reuter,

(S) (E) (A) (L)

Notary Puvlic.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 31, 1902.

In the matter of the application of SUE WELCH, for the enrollment of herself as a citizen by intermarriage, and her son, JOSEPH V. WELCH, as a citizen by blood, of the Cherokee Nation:

JOHN E. WELCH, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A John E. Welch.
Q How old are you. A I am fifty six.
Q What is your postoffice address? A Edna, Kansas.
Q You are a Cherokee by blood? A Yes sir.
Q What is your wife's name? A Sue.
Q She is a white woman? A Yes sir.
Q Is she an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q When were you married to your wife Sue? A In 1892.
Q Where were you married to her? A In the Territory.
Q Had you ever been married before your marriage to your wife Sue? A Yes sir.
Q How many times? A I had been married five times.
Q What was your first wife's name? A Her name was Mary.
Q Was she living or dead when you were married to your wife Sue?
A We were divorced. We separated and she was divorced.
Q Have you filed a copy of your divorce with the Commission, from your first wife? A No sir.
Q What court were you divorced in? A In the courts of Texas.
Q What county? A Parker county. The reason why I can't get the papers is the court house was burned and the records burned up with it.
Q Have you testified to that before the Commission? A I have stated that before the Commission at Tahlequah when I made my application for enrollment.
Q Well, did you offer any proof other than your own statement as to the divorce? A No sir, they didn't require it.

The Commission: Well now, Mr. Welch, in the absence of a certified copy of the decree, you should submit to the Commission testimony showing the destruction of the court records where this decree of divorce was obtained; and evidence showing that a divorce was obtained by you from your ~~wife~~ first wife, or by her from you.

- Q Now then what was the second wife's name? A She was a Cherokee; she died.
Q Before you married this woman? A Yes sir.
Q Then your third wife? A She was a white woman.
Q Was she living or dead when you married Sue? A Why she was living.
Q Had you been divorced from her? A Yes sir, by the court in Flint District.
Q Have you filed a copy of that? A I have not; they never required it of me.

The Commission: Well, it will be necessary, for your wife's enrollment, to file that.

- Q Now your fourth wife, what was her name? A Clara Willis.
Q Was she living or dead when you married your wife Sue?
A There was some informality, or she claimed there was, in regard to the marriage, and she quit me; and after I married to another

woman, and she brought suit against me and the court at Fort Smith held that it was a legal marriage, and they convicted me of bigamy, and after I served out the judgment of the court I came back here, and married another woman, and she separated from me and she sued for divorce also. That was the woman I was living with after I married this woman I was living with her, and she sued me for bigamy and when I was serving out the judgment of the court, she sued for divorce, and here's the certificate of the clerk. She went before the court at Van Buren, Arkansas.

- Q Was Artie your third or fourth wife? A She was the last woman I lived with before I married the present woman; she was the fifth.

The Commission: The applicant files a certificate from the Circuit Clerk of Crawford County, State of Arkansas, certifying that Artie Welch was granted a divorce from John E. Welch, by the circuit court of that county on the 16th day of July, 1891. The date of the certificate showing when the divorce was granted has been partially erased, so that it is impossible to show just what year the divorce was granted.

- Q Mr. Welch was this erasure of this figure made when you got the certificate? A That's just like it was when I received it. You have it now just as I received it.
- Q Now then, after you separated from Artie Welch, you married your present wife Sue? A Yes sir.
- Q When did you say you married her? A It was in 1892 or 1893 I think.
- Q Well, had your wife Sue ever been married before she married you? A No sir.
- Q You are her first husband? A Yes sir.
- Q She is your fifth or sixth woman? A She is my sixth woman.
- Q Have you and your wife Sue lived together ~~as husband and wife~~ from the time you were married up to now? A Yes sir.
- Q Has she lived in the Cherokee Nation with you all the time since you were married? A Yes sir.
- Q Never separated? A No sir.
- Q Were you and she living together as husband and wife on the first day of September, 1902? A Yes sir.
- Q Who is this child Joseph V.? A He's our first child living.
- Q Is Joseph V., your child by your wife Sue? Yes sir.
- Q Born after you were married? A Yes sir.
- Q Is that child still living? A Yes sir.
- Q And has lived all its life in the Cherokee Nation? A Yes sir.

Examined by J. C. Starr:

- Q What was the name of your third wife? A She was Mack Morris' daughter and lived down there in Goingsneke.
- Q What was her name? A Rebecca.
- Q What was the fourth wife's name? A Clara Willis.
- Q What was the fifth? A Artie.
-

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is ~~an~~ an accurate transcript of his stenographic notes thereof.

(signed) E. C. Bagwell.

Subscribed and sworn to before me this December 11, 1902.

(S)(E)(A)(L)

(signed) B. C. Jones,
Notary Public.

MTM

Cherokee D-1011.

State of Arkansas,
County of Crawford.

I, W. P. Sadler Clerk of the Circuit Court
in and for said county, do hereby certify that I have examined
the Chancery Court record Vol. B, page 379, and find that on the
16th day of July, 1891 at the June term of the Crawford Circuit
Court said County and State, amongst other proceedings, Artie Welch
was granted decree of divorce from John E. Welch, and the said
Artie Welch was allowed by the court the care and custody of her
two children William L. and Elizabeth; and she was allowed to
assume her maiden name.

In testimony whereof I have hereunto set my
hand and the Seal of said Court, this
(SEAL) Oct. 17th, 1902.

W. P. Sadler, Clerk.

By J. J. Burrow, D.C.

+++++

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 12, 1903.

I, the undersigned, a member of the Commission to the
Five Civilized Tribes, do hereby certify that the above and fore-
going is a true and correct copy of the original offered in evidence
in the matter of the application for enrollment of Cherokee D-1011.

C. A. Bristow
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sue Welch as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Joseph V. Welch, as a citizen by blood of the Cherokee Nation.

DECISION.
--oOo--

The record in this case shows that on December 18, 1900, John E. Welch appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of Sue Welch as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Joseph V. Welch, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 28, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Sue Welch was married on May 3, 1893, to John E. Welch, a citizen by blood of the Cherokee Nation. It appears from the evidence that the said John E. Welch had a living wife from whom he was not divorced at the time of his marriage to his present wife, Sue Welch. Joseph V. Welch is shown, by the evidence, to be the issue of the marriage of John E. Welch to his wife, Sue Welch.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 692 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceedings provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

The evidence further shows that the parents of the minor child, Joseph V. Welch, have continuously resided in the Cherokee Nation since their marriage, and it is considered that the residence of the said Joseph V. Welch, since birth, has been with his parents.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sue Welch as a citizen by intermarriage of the Cherokee Nation, should be denied, and that Joseph V. Welch should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of the Act of Congress above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby,
Acting Chairman.

(signed) T. B. Needles,
Commissioner.

(signed) C. R. Breckinridge,
Commissioner.

Dated at Muskogee, Indian Territory,
this Dec -1 1902

(MFM)

Cherokee 1011

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she copied the record of testimony and proceedings had in this case, and that the foregoing is a true and correct reproduction of the same.

Subscribed and sworn to before me
this 4th day of April, 1904.

MFH

10167

Department of the Interior
Commission to the Five civilized Tribes.

FILED
May 23 1903

(stamped) Tams Bixby
Chairman.

(COPY)

Dup

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE ENROLLMENT OFFICE.

Tahlequah, I. T., May 19 A. D. 1903.

To the Clerk in charge of the Cherokee Land Office:

This is to certify that the names of the following persons:

| Card Number. | NAME. | Relationship to Person First Named. | Age. |
|--------------|---------------------------------------|-------------------------------------|------|
| 10167 | Joseph V. Welch | | 5 |
| | Represented by John E. Welch, Father: | | |
| | H until termination of Final Roll No. | | |

All appear upon the records of the Commission to the Five Civilized Tribes as applicants for enrollment as citizens of the Cherokee Nation.

In the event that said persons are finally enrolled as citizens of said Nation, a certificate of citizenship in the usual form will be issued.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) P. G. Reuter
Enrollment Clerk.

(stamped) Tams Bixby
Chairman.

JOR

(MEM)

(COPY)

Muskogee, Indian Territory, February 26, 1902

MR. John E. Welch,

Edna, Kansas.

Sir:-

You are hereby notified that the application of your wife
Sue Welch & one minor child for enrollment as citizen of the
Cherokee Nation will be taken up for final consideration by the Com-
mission to the Five Civilized Tribes in Muskogee, Indian Territory,
on the 14 day of March, 1902.

On said date, you may, if you desire, appear before the
Commission, in person or by attorney, when an opportunity will be
given you to introduce any additional testimony affecting your appli-
cation.

You are further notified that the Representatives of the
Cherokee Nation will also, at the same time, be afforded an oppor-
tunity to introduce testimony tending to disprove your right to en-
rollment, but said Representatives will be required to notify you of
their intention to introduce such testimony before they will be per-
mitted to do so.

Yours truly,

Cherokee D-1011
Register.

(MEH)

~~Acting Chairman~~
Commissioner in Charge.

(COPY)

Cherokee D-1011

Muskogee, Indian Territory, June 13, 1902.

John E. Welch,

Edna, Kansas.

Dear Sir:

In the matter of the application for the enrollment of your wife, Sue Welch, and minor child, Joseph V. Welch, as citizens of the Cherokee Nation, you are directed to appear before the Commission on or before June 28, 1902, and furnish a certified copy of the decree of divorce between yourself and your former wife, Johnanna Welch, nee Hensley; also to furnish additional testimony as to whether any of your former wives, from whom you were not divorced, were living at the time of your marriage to Sue Andrews.

Yours truly,

Commissioner in Charge.

Register.

(MEM)

(COPY)

Cherokee D 1011

Muskogee, Indian Territory, December 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory .

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of John E. Welch for the enrollment of his wife, Sue Welch, as a citizen by intermarriage, and granting his application for the enrollment of his minor child, Joseph V. Welch, as a citizen by blood, of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby

Acting Chairman.

Enclosure H. No.6

(MEM)

(COPY)

Cherokee D-1011

Muskogee, Indian Territory, January 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John E. Welch for the enrollment of his wife, Sue Welch, as a citizen by intermarriage, and for the enrollment of his minor child, Joseph V. Welch, as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated December 1, 1902, rejecting said application as to Sue Welch.

Respectfully,

Tams Bixby

Acting Chairman.

Through the Commissioner
Of Indian Affairs.

Enc. H-30

(MFM)

(COPY)

Cherokee D-1011

Muskogee, Indian Territory, January 13, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 1, 1902, rejecting the application of John E. Welch for the enrollment of his wife, Sue Welch, as a citizen by inter-marriage, and granting his application for the enrollment of his minor child, Joseph V. Welch, as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on December 2, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Acting Chairman.

(MEFM)

(COPY)

Cherokee D-1011

Muskogee, Indian Territory, January 13, 1903.

J. E. Welch,

Edna, Kansas.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings in the matter of the application for the enrollment of your wife, Sue Welch, as a citizen by intermarriage, and for the enrollment of your minor child, Joseph V. Welch, as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated December 1, 1902, rejecting your application for the enrollment of your wife, and granting your application for the enrollment of your child.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. H-29
Register.

(MFM)

(COPY) *

D.C. 4798.

Refer in reply to the following:

Land
3520-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, FebY.5,1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated January 13, 1903, forwarding for the Department's consideration, the record relative to the application of John E. Welch, for the enrollment of his wife, Sue Welch, as a citizen of the Cherokee Nation by intermarriage, and the enrollment of his minor child, Joseph V. Welch, as a citizen by blood of the Cherokee Nation.

December 1, 1902, the Commission held that Sue Welch is not entitled to enrollment as a citizen by intermarriage, and that Joseph V. Welch is entitled to enrollment as a citizen by blood of the Cherokee Nation.

The record in this case shows that John E. Welch married one Sue Welch May 3, 1893. He had previously been married several times. He first married Mary Welch, formerly Mary Beller. He lived with her about four years; left her and she procured a divorce. He next married Rebecca Morris, a Cherokee. He lived with her until her death, which was about six years after their marriage. He then married Eliza Chandler. He lived with her about three years, and the evidence shows that she procured a divorce from him. After being divorced he married Clara Wilkes. They separated and the record does not show that they were divorced. The record shows that he then married a woman in Arkansas by the name of Biswell. After his marriage to the Biswell woman his former wife, Clare Welch, nee Wilkes, or Willis, whom he claims left him because she thought there was some informality in the marriage ceremony, had him arrested and he was convicted of

(COPY)

D.C.4798

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

E.F.

ITD.1198-1903.
LRS

February 17, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

January 13, 1903, you transmitted the record in the matter of the application of John E. Welch for the enrollment of his wife, Sue Welch, as a citizen by intermarriage, and of his son Joseph V Welch as a citizen by blood, of the Cherokee Nation.

The evidence shows that on May 3, 1893, Sue Welch was married to John E. Welch, a citizen by blood of said nation; that on said date he had a living wife from whom he was not divorced; and that Joseph V. Welch is the issue of said marriage of John E. and Sue Welch. Section 692 of the Compiled Laws of the Cherokee Nation (1892) declares:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding, provided that the issue from such unlawful marriage shall nevertheless be legitimate; ' ' "

On December 1, 1902, you held that in accordance with said section Sue Welch should be denied enrollment, and that Joseph V. Welch should be enrolled, his parents having resided continuously in the Cherokee Nation since their marriage.

Reporting February 5, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved; a copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

(MFM)

bigamy and sentenced to the penitentiary. After his release from the penitentiary he married his present wife, Sue Andrews.

The record in the case shows that on July 16, 1891, Artie Welch of the State of Arkansas, obtained a divorce from John E. Welch. The record does not show that the applicant was divorced from his fourth wife, Clara Welch, nee Wilkes, or Willis, at the time he married his alleged present wife, Sue Andrews. Section 692 of the Cherokee Laws, 1892 Edition is, as follows:

"Sec.692. All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void ~~and~~ in this Nation, without any judgment of fivorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

From the foregoing it is the opinion of this office that John E. Welch had living at the time he married his present wife a former wife, and that Sue Andrews is therefore not entitled to enrollment as a citizen of the Cherokee Nation by intermarriage. John E. Welch is a citizen of the Cherokee Nation; his name appears on the 1880 authenticated roll, and the office believes that his minor child, Joseph V. Welch is entitled to enrollment as a citizen of the Cherokee Nation. In view of the foregoing it is respectfully recommended that the decision of the Commission be approved.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

GAW
O

(MFM)

(COPY)

Cherokee D-1011

Muskogee, Indian Territory, February 28, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 1, 1902, rejecting the application of John E. Welch for the enrollment of his wife, Sue Welch, as a citizen by inter-marriage, and granting his application for the enrollment of his child, Joseph V. Welch, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 17, 1903.

Respectfully,

Tams Bixby

Chairman.

(MFM)

(COPY)

~~La~~ Cherokee D-1011

Muskogee, Indian Territory, February 28, 1903.

John E. Welch,

Edna, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 1, 1902, rejecting your application for the enrollment of your wife, Sue Welch, as a citizen by Intermarriage, and granting your application for the enrollment of your child, Joseph V. Welch, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 17, 1903.

Respectfully,

Tams Bixby

Chairman.

(MEM)

Cher R 827

Cher R 827

IN RE
THE DEATH OF

Martha James
a citizen of the
Cherokee Nation.

Approved

Oct 22 1869
C. R. Bucknidge.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of...

Martha J. Walker

(Here insert name of deceased.)

a citizen of the

Cherokee

Nation, who formerly resided at or near

Coffeyville Kansas

(Here insert name of post office.)

Ind. Ter., and died on the *27* day of *January*,*1901.*

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY.

Western District.)

I, *George L. Walker* on oath state that I am *40*
years of age and a citizen, by *intermarriage*, of the *Cherokee* Nation;
that my post office address is *Coffeyville, Kansas*, Ind. Ter.; that I am
husband of *Martha J. Walker*
(State relationship, as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by *blood*, of the *Cherokee* Nation;
and that said *Martha J. Walker* died on the *27* day of
January, 1901.
WITNESSES TO MARK: *George L. Walker*

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this *22* day of *October* 1902.

Prince C. Jones
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY.

Western District.)

I, *James O. Smith*, on oath state that I am *32*
years of age, and a citizen, by *blood*, of the *Cherokee* Nation;
that my post office address is *Coffeyville, Kansas*, Ind. Ter.;
that I was personally acquainted with *Martha J. Walker*
(Here insert name of deceased.)
who was a citizen, by *blood*, of the *Cherokee* Nation;
and that said *Martha J. Walker* died on the *27* day of
January, 1901.
WITNESSES TO MARK: *James O. Smith*

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this *22* day of *October* 1902.

Prince C. Jones
Notary Public.

For record in original appli-
cation see Cherokee No. 10170.

CHEROKEE

R

827

Martha J. Walker

CHEROKEE

R

827

Dismissed
Feb. 2, 1903

Transferred from Chee. d. - 643.

Cher R 828

Cher R 828

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, I. T. July 10th, 1900.

In the matter of the application of John Sanders for enrollment as an intermarried Cherokee; being sworn and examined by Commissioner Needles, she testifies as follows:

- Q What is your name? A John Sanders.
Q What is your age? A 27 years.
Q What is your post-office? A Muskogee, Okla. I was raised at Claremore.
Q Where do you live? A I am working at Muskogee.
Q What is your residence? A At Claremore.
Q Do you make that your residence? A Yes sir.
Q How long have you lived there? A About twenty years.
Q Continuously at Claremore? A Yes sir.
Q Are you a Cherokee? A No sir.
Q What do you make application then as? A As an adopted, as an intermarried Cherokee.
Q What is your father's name? A Robinson.
Q Is he living? A No sir.
Q Is his name on the rolls of the Cherokee Nation? A No sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Burgess.
Q Is she a white woman? A Yes sir.
Q Are you married? A Yes sir.
Q Under what law were you married? A Cherokee law.
Q What is your husband's name? A John Sanders.
Q Is he alive? A He was the last time I heard from him.
Q Do you live with him? A I haven't seen him for over a year.
Q When were you married? A I was married in 1887.
Q Where were you living at the time you married? A I was living in Cooweescoowee District, not far from Claremore.
Q Have you your marriage license? A Yes sir. (Produced license)
Q Your husband is now living? A He was a year ago.
Q Is his name on the authenticated rolls of the Cherokee Nation? A Yes sir, we enrolled at Vinita.
Q What year? A I think it was in 1896..
Q How old is he? A I can't say; somewhere in twenty.
Q Is he a Cherokee by blood? A Half-breed, yes sir.
Q To what district in the Cherokee nation does he belong? A Illinois District.
Q Were you married to Frank Dawson on the 2nd day of August, 1887? A Yes sir.
Q Where is Frank Dawson? A I don't know.
Q How long did you live with Frank Dawson? A Over four years.
Q Is he alive? A Yes sir, he was divorced.
Q Was he a Cherokee? A Yes sir.
Q How much blood? A I don't know; about one-sixteenth or one-eighth.
Q How old was he when you married him? A He was twenty-two or three.
Q You don't know whether he is on the 1880 roll or not? A Yes sir, I think he is.
Q How long since you have been married to him? A I was married in 1887.
Note: Rolls examined, name of Frank Dawson not found.
Q The name of your husband don't appear upon the rolls of the Cherokee Nation. What was Frank Dawson's father's name? A
A Buck Dawson.
Q How long did you live with Frank Dawson? A Over four years.
Q Did you get a divorce, or did he? A I got a divorce.
Q When did you get a divorce from Frank Dawson? A Five or six years ago.

Law Sanders #2

Q Now you got any record of the divorce? A I have at home.
Q Did you live continuously with Frank Dawson from the time you married him until you was divorced? A Yes sir.
Q Did you live all the time in the Territory at that time?
A Yes sir.
Q Did you live outside the Territory yourself at that time?
A No sir.
Q Frank Dawson's father a white man or an Indian? A He was an Indian.
Q What degree of blood did he have? A I don't know.
Q You know Frank Dawson's mother? A Yes sir.
Q Was she a white woman? A Yes sir.
Q When they was taking the census at winter they would have his name on the last roll.

Com'r Needles: You will have to satisfy the commission by some proof which you may bring forward, that Mr. Dawson was a Cherokee citizen. It is doubtful whether he is on any roll or not; if he is, he is on the roll of 1894. The fact of his being on that roll does not make it positive that he is a citizen, but only gives us jurisdiction to inquire into the case. Consequently we will have to have some proof, some proof to substantiate that Frank Dawson was a Cherokee citizen.

Q Have you any children by Dawson? A No sir.
Examinined by Cherokee Attorney Hastings:
Q Did you ever go to Colorado? A I went once.
Q When was that? A It was before I married Sanders, it was the time I was getting a divorce.
Q Who did you go with? A My mother went with me part of the way, and my sister was already out there.
Q Didn't you go out there with some man? A No sir.
Q How long did you stay in Colorado? A I was out there four weeks.

Com'r Needles: The name of you Sanders is not found on the authenticated rolls of the Cherokee Nation; she presents a certificate of marriage with one Frank Dawson, and the commission not being satisfied of the citizenship of Frank Dawson, his ~~name~~ name appearing only upon one of the rolls of the Cherokee Nation, that of 1894, therefore the citizenship of this woman is not fully established. Her name will be placed on what is known as a doubtful card, for future consideration of the commission.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

M.D.Green

Subscribed and sworn to before me this 10th day of July 1900.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 10 1900



ACTING CHAIRMAN.

RECEIVED THE RECORDS

On the Chicago Station the New York City Telephone Company
is operating. In connection therewith I have no set of New York City
Telephone Company.

Under New York City Telephone Company the records of the Chicago
Telephone Company are preserved in the possession of the New York
Telephone Company. The Chicago Telephone Company is a
subsidiary of the New York Telephone Company and is
operated by the New York Telephone Company.

The Chicago Telephone Company is a subsidiary of the New York
Telephone Company. The Chicago Telephone Company is a
subsidiary of the New York Telephone Company and is
operated by the New York Telephone Company.

The Chicago Telephone Company is a subsidiary of the New York
Telephone Company. The Chicago Telephone Company is a
subsidiary of the New York Telephone Company and is
operated by the New York Telephone Company.

Rep. New York

Chicago Telephone Company

Chicago Telephone Company

THE FIVE CIVILIZED
FILED
FEB 24 1902

Chicago Telephone Company
New York City
New York City

Chicago Telephone Company
New York City
New York City

(Chicago Telephone Company)

On the New York City Telephone Company the New York City
Telephone Company is operating. In connection therewith I have no set of New York City
Telephone Company.

The New York City Telephone Company is a subsidiary of the New York
Telephone Company. The New York City Telephone Company is a
subsidiary of the New York Telephone Company and is
operated by the New York Telephone Company.

This is to certify ,Frank M.Dawson a citizen of the Cherokee Nation,
and Miss Lou Roberson were united by me in the Holy Bonds of Matrimony
on the 2nd day of August, , in the year of our Lord, 1887.

(Signed) Rev.D.C.Mupphey,

Witnesses.

Joseph Junkins,
J.D.Mupphey,

J.M.Robinson, The above recorded this 19th, day of August, A.D.1887.

J.E.Campbell,
Dep. Clk,
Cooweescoowee, Dist. C.N.

Executive Department Cherokee Nation,
Tahlequah, Indian Territory,

Feb. 17th, 1902,

I, A.B.Cunningham, assistant executive secretary of the Cherokee Nation
do hereby certify that the above and foregoing is a true and correct
copy of the certificate of marriage of Frank M.Dawson to Miss Lou
Roberson, as copied from the IIIth, page of Book "A" marriage record
of Cooweescoowee District, said record by an act of the National Council
of the Cherokee Nation entitled, "An act authorizing and directing the
transfer of certain records to the Executive Department and making
them a part thereof," approved by the President of the United States
January 9th, 1899, now being a part of the records of this office and
in my custody.

In testimony whereof, I hereunto set my hand and affix
the seal of the Cherokee Nation the year and day first above written.

A B Cunningham
Assistant Executive Secretary.

24

11

NOV 10 1901

RECEIVED

FEB 23 1902

[Handwritten signature]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

CERTIFICATE OF TRUE COPY.

United States of America,

INDIAN TERRITORY,

Northern District.

SS.

I, CHARLES A. DAVIDSON, Clerk of the United

States Court in the Northern District, Indian Territory, and ex-officio Recorder of said District and

Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of a ~~Marriage~~ ^{Marriage}

~~Marriage~~ filed in my office on the 28 day of ~~Jan.~~ ^{Jan.}, 1901, at ~~10~~ ¹⁰ o'clock ~~A.~~ ^{A.}, and

~~Renewed Affidavit filed~~ 1901

WITNESS my hand and seal of said Court at Muskogee, in said Territory,

this 13 day of February, D. 1902

Chas. A. Davidson
Clerk and Ex-Officio Recorder.

By J. D. Lewis

Deputy Clerk.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

SS.

Northern District.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District,
Indian Territory, do hereby certify that the instrument hereto attached was filed in my office
the 28th day of Jan^y 1901, at ~~11~~ ¹¹ M., and duly recorded
in Book ~~K~~, Marriage Record, Page 303.

WITNESS my hand and seal of said Court at Muskogee, in said
Territory, this 1st day of Feb^y A. D. 1901
Chas. A. Davidson, Clerk.

By _____ Deputy.

RECORDED IN THE FIVE CIVIL DISTRICTS
FILED
FEB 24 1902

Acting Clerk

2

11



MARRIAGE LICENSE.



UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

No. 2277

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony
between Mr. *E. M. Devitzger*
of *Muskogee*, in the Indian Territory, aged *51* years, and
Miss *Low Robinson*
of *Muskogee*, in the Indian Territory, aged *26* years,
according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at
Territory, this *36* day of *Jan.*

Muskogee, Indian
A. D. 1901
Chas. A. Davidson
Clerk of U. S. Court.

By *L. A. Winston* Deputy:

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

SS.

I, *M. L. Butler*, a Minister of the Gospel,
DO HEREBY CERTIFY, that on the *36* day of *Jan.*
A. D. 1901, I did duly and according to law as commanded in the foregoing License,
solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *36* day of *Jan.*, A. D. 1901

My Credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,
Book *A*, Page *7*

M. L. Butler
A Minister of the Gospel.

NOTE: This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00.)

Marriage Certificate.

I, William Buck, a minister of the Gospel, do hereby certify that on the 22nd, day of June, 1896, did duly solemnize the rite of matrimony between the parties herein named, John Sanders and Lou Robinson, citizens, Witness my hand this 22nd, day of June, A.D. 1896.

William Buck. M.G.

Recorded this 24th day of July 1896.

Joe. M. LaHay,
Clerk Co. Dist.

Executive Department,
Cherokee Nation,
Tahlequah, Ind. Ter.
Feb. 17th, 1902,

I, A. B. Cunningham, assistant executive secretary of the Cherokee Nation do hereby certify that the above and foregoing is a true and correct copy of the marriage certificate of John Sanders to Lou Robinson, as copied from page 150, of Book, "E" marriage record of Cooweescoowee District, Cherokee Nation, said record by an Act of the National Council entitled, "An Act authorizing and directing the transfer of certain records to the Executive Department and making them a part thereof", approved by the President of the United States January 9th, 1899, now being a part of the records of this office and in my custody.

In
testimony whereof, I have hereunto set my hand and affixed the seal of the Cherokee Nation, the year and day first above written.

A. B. Cunningham
Assistant Executive Secretary.

Supl.-C.D.#11.

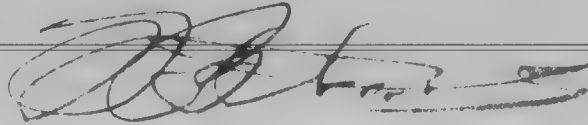
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL to the enrollment of Lou Sanders as a citizen of
the Cherokee Nation:

Appearances:

Mr. Robert Toomer, Attorney for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

Commission: By agreement of the attorney for applicant,
Robert Toomer, and the representative of the Cherokee Nation,
this case will be continued until Monday, February 24, 1902.



Commissioner.

Supl.-C.D.#11.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
LOU SANDERS as a citizen of the Cherokee Nation: Introduced on
part of applicant.

Appearances:

Robert Toomer, Muskogee, I.T., Attorney for Applicant;
W. W. Hastings, Cherokee Representative.

Commission: There is offered in evidence a certified
copy of the record of marriage between Frank M. Dawson, a
citizen of the Cherokee Nation and Miss Lou Roberson, showing
that they were united in matrimony by D. C. Murphy, a Minister
of the Gospel, on the 2d day of August, 1887. Also a certifi-
cate of marriage showing that John Sanders and Lou Robinson
were united in matrimony on the 22d day of June, 1896, by
William Buck, a Minister of the Gospel. Both documents are
filed and made a part of the record.

LOU SWITZER, being duly sworn, testified as follows on
part of applicant:
By the Commission:

- Q What is your name now? A Lou Switzer.
Q Where do you live, Mrs. Switzer? A In Muskogee.
Q In the Creek Nation? A Yes, sir.
Q You were formerly married to Frank M. Dawson? A Yes, sir.
Q Was he your first husband? A Yes, sir.
Q How long did you continue to live with him? A About five years.
Q Were you divorced from him? A Yes, sir.
Q Have you any evidence of that divorce? A I haven't any here,
I can get it.
Q Who was granged the divorce you or your husband? A I sued
for the divorce on the start and the divorce was granted by, John
Taylor and Hooley Bell was my attorneys I had employed at the time.
BY MR. TOOMER:
Q Do you remember who the Judge was? A No, sir, I don't know the
judge, he was nearly a full-blood.
COMMISSION:
Q Well, after your separation from Frank Dawson were you married
again? A I was I guess three or four years after that.
Q What was the name of your husband? A John Sanders.
Q Now, did you take your maiden name after your divorce from Daw-
son? A Yes, sir.
Q That is the reason you appear in this marriage certificate as Lou
Robinson? A Yes, sir.
Q How long did you live with Sanders? A Why just a short time.
Q Were you divorced from him? A Since I come before the Dawes
I sued him for divorce.
Q Was the divorce granted? A Yes, sir.
Q Was John Sanders a Cherokee? A Yes, sir.
Q Since your separation from him have you married again?
A Just here of late.
Q What is the name of your last husband? A Switzer.
Q His full name? A E. M. Switzer is the way he signs it.
Q Is he a white man? A Yes, sir.
Q Did he ever claim to be a citizen of the Cherokee Nation?
A No, sir.

MR. HASTINGS: You are a white woman? A Yes, sir.

A. J. LITTRELL, being duly sworn, testified as follows on part of applicant:
BY COMMISSION:

- Q What is your name? A A. J. Littrell.
Q Where do you live, Mr. Littrell? A Wagoner.
MR. TOOMER:
Q Do you know Lou Switzer, she is now? A Yes, sir.
Q Do you know John Sanders? A Yes, sir.
Q Do you know whether or not he is a Cherokee?
A Well, he told me he is a Cherokee.
MR. HASTINGS:
Q He was? A Yes, sir.
Q You are a white man, are you? A Yes, sir, and everybody else I have talked with; of course I don't know any more ~~what~~ ~~he~~ than what he told me. He looks like a Cherokee.
MR. TOOMER:
Q Did you see him and Lou Roberson married? A Yes, sir.
Q Where was that? A Wagoner.
Q Was he the only John Sanders that you knew up there at that time?
A Yes, sir.
Q How long have you known him? A I guess I have known him about six years.
Q Did you ever hear his Cherokee citizenship questioned?
A No, sir.
MR. HASTINGS:
Q You live at Wagoner? A Yes, sir.
Q You are a white man and not a citizen of the Cherokee Nation?
A Yes, sir.
Q How long have you lived there? A I have lived there going on eight years.
Q Wagoner isn't in the Cherokee Nation is it? A No, sir, it is in the Creek Nation.
Q You don't claim to be very well versed in Cherokee citizenship?
A Just about like I am in the Creek.
Q Are you well versed in that? A Just about like every other man that lives here.
Q You have had no occasion to know over in the Cherokee Nation whether that fellow is a recognized citizen of the Cherokee Nation?
A I have been in the Cherokee Nation just about as much as I have been in the Creek Nation.
Q Well, now, in what way did you ever understand he has been recognized as a Cherokee citizen? A Just what I have heard people.

Mr. Hastings: The Cherokee Nation moves that this testimony be excluded for the reason that it is entirely too flimsy upon which to base any judgment as to the citizenship of John Sanders.

Commission: The objection will be noted and the testimony considered for what it is worth.

- MR. TOOMER: Did you ever have a law suit over there in the Cherokee Nation at one time in which this man John Sanders was a witness?
A No, sir, I never had any lawsuit.
Q Well, did Sanders? A Yes, sir.
Q Did it appear from that law suit that he was a citizen?

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to this kind of testimony because the records themselves is the best testimony as to whether or not this man is a citizen.

Commission: The objection will be noted; answer the question to the best of your knowledge.

- A Yes, sir; he had a law-suit there at Muldrow.

MR. HASTINGS:

- Q In the town of Muldrow? A Yes, sir.
Q Before United States Commissioner? A I think it was before Indian Court.
Q In the town of Muldrow. A Yes, sir.
Q And before the Indian Court? A That is the way I understood it.
Q When was that? A It has been about six years ago as well as I can remember.
Q Who was the judge? A I can't tell you that.
Q What was the kind of case they had there? A It was over a suit about some horses. Switzer here he give a bill of sale of the span of horses.
Q How was his question of citizenship involved in that?
A It came before the Indian Court is all I know.
Q Now, I want to tell you that the Circuit Court and District Court in which Muldrow is situated is up there north of there and has of my own certain knowledge for the past 15 years?
A It is as far as I know.

MRS. LOU SWITZER, recalled, further testified in her own behalf:

MR. TOOMER:

- Q Mrs. Switzer it devolves on you to prove that this man to be a citizen of the Cherokee Nation; now then I want you to state every evidence you can to this Commission to show that he was a citizen; now then tell that? A He was a halfbreed Cherokee. Mr. Ellis raised him. He was a halfbreed Cherokee.
Q Well, now, did the Indian Courts have jurisdiction of him and his affairs? A Yes, the Nation Courts.
Q That is what I am talking about? A Yes, the Cherokee Courts.
Q You can state of this trial spoken of by Mr. Littrell, if it occurred and was it an Indian Court? A It was an Indian Court.
Q Did any man ever deny John Sanders? A No, sir.

MR. HASTINGS:

- Q Did you ever hear anybody deny John Roastingear being a citizen?
A No, sir.
Q Did you ever hear anybody deny John Smith? A No, sir.
Q Did you ever hear anybody deny John Wareagle? A No, sir; John Sanders is a first cousin of Ed and John Sanders at Claremore.

Commission: There is offered in evidence by the representatives of the Cherokee Nation a license issued by Chas. A. Davidson, Clerk of the United States Court, by L. A. Winston, Deputy Clerk, showing that a license was issued to E. M. Switzer to marry Mrs. Lou Robinson, on the 26th day of January, 1901; and a certificate showing that they were united in matrimony by M. L. Butler, a Minister of the Gospel, on the same day. This is filed herewith.

Mr. Hastings: The representatives of the Cherokee Nation desire to especially cite Section 666 of the Compiled laws of the Cherokee Nation of 1892 and contend that if this woman ever had any rights--which they deny--that she forfeited it under that section.

MR. TOOMER: As a representative of the Defendant we suggest that if Lou Robinson, or Lou Switzer, was never divorced from Mr. Dawson she is his wife yet and that we don't consider it material to our case or to our interest to make any further proof on this point and we further close this case.

Commission: The representatives of the Cherokee Nation and the attorney for the applicant submit this case to the Commission for final consideration. The same is ordered closed and reported to the Commission for final decision based upon the evidence now on file.

The attorney for the applicant will be granted ten days in which to file a brief in this case, one copy with the Commission and one copy with the Nation.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this February 26, 1902.

C. L. Beckwith

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 11, 1902.

In the matter of the application of Lou Sanders for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

LOU SANDERS, being sworn, testified as follows:

By the Commission,

- Q What's your name, please? A Lou Switzer.
Q What's your age at this time? A About thirty-one or two.
Q Are you the same person who made application to this Commission in 1900 for enrollment as an intermarried citizen under the name of Lou Sanders? A Yes, sir.
Q Since your application was made in 1900 you have married Mr. Switzer? A Yes, sir.
Q What is the name of your present husband, given name? A Switzer, E. M. Switzer - Erastus.
Q When were you married to E. M. Switzer? A I don't know.
Q About when? A Just about a year ago.
Q About a year ago? A Yes, sir.
Q Is he a white man or citizen of the Cherokee Nation? A White man.
Q Does not claim any rights as a Cherokee by blood? A No, sir.
Q What was your former husband's name? A Dawson.
Q Dawson? A Yes, sir. Oh, Sanders.
Q What was Mr. Sanders' given name? A John Sanders.
Q He was a Cherokee? A Yes, sir.
Q When were you married to John Sanders, about how long ago?
A Why, I don't remember now, I brought the license and certificate and left it here.
Q Did you and John Sanders live together all the time from the time of your marriage? A No, sir.
Q Separated? A Yes, sir.
Q Is John Sanders living? A Yes, sir, he is living.
Q How long after your marriage to John Sanders did you and he separate? A Why, it was--I don't know, just a short time.
Q Just a short time? A Yes, sir.
Q You separated from him and then afterwards secured a divorce?
A Yes, sir, that is, he left me, he got into trouble.
Q He got into trouble and left? A Yes, sir.
Q Where were you living? A At Vinita.
Q He left you and then you procured a divorce on the ground of desertion? A Yes, sir.
Q And since you got your divorce, you married a white man in 1901?
A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 20th day of October, 1902.

Retta Chick
[Signature]
Notary Public.

OK

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lou Sanders - now,
Lou Switzer - for enrollment as a citizen by intermarriage of the
Cherokee Nation.

D E C I S I O N.

--000--

The record in this case shows that on July 10, 1900, Lou Sanders appeared before the Commission at Fairland, Indian Territory, and made application for her enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 24, 1902, and again on October 11, 1902.

The evidence shows that the applicant was first married on August 2, 1897, to Frank Dawson, alleged to be a citizen by blood of the Cherokee Nation. It appears that she lived with her said husband for over four years, and she testifies that they were subsequently divorced. It further appears that on June 22, 1898, the applicant was married to one John Sanders, who is also alleged to be a citizen by blood of the Cherokee Nation. The applicant further testifies that she was divorced from her second husband, and she presents a marriage license and certificate showing that on January 26, 1901, she was married to E. M. Switzer, a white man.

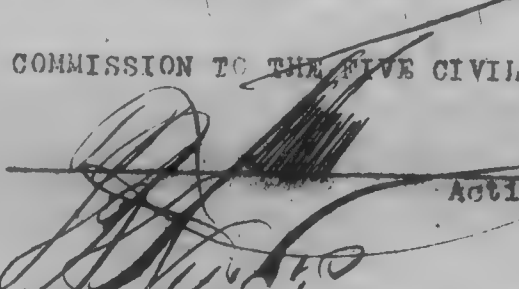
Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."


Section 666, of the Compiled Laws of the Cherokee Nation (1892) provides:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that whatever rights the applicant may have acquired by her marriage to Frank Dawson, and subsequently to John Sanders, were forfeited by her marriage to her present husband, a white man, and that the application for the enrollment of said Lou Switzer, formerly Lou Sanders, as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902



COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **January 30,**

1902

Mrs. Lou Sanders,

Muskogee, Indian Territory.

Madam:

You are hereby notified that the application of **yourself**

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

15th day of **February,** 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Acting Chairman.

Copy to

Robert Teamer, Esq.,
Muskogee, I.T.

Register.
Cherokee D-11

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C D. 7

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

4 day of Feb, 1901.
Robert [Signature]
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

NOTICE!

IN THE MATTER OF the application of ~~Alvin House~~, Lou Sanders
for enrollment as Cherokee citizens:
Case No. D 41

To ~~Lou Sanders or Robert Toomer attorney~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.**

Indian Territory, on **Feb 15th 1902** at **8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **Feb 5th 1902.**

M. W. Hastings
Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR
SECTION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 15 1902

[Handwritten signature]

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Feby 15th 1902

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of

Lane Sanders for enrollment as

~~Freedmen~~ of the Cherokee Nation.

Citizen

No. D 11

Tab L. Thomas
Atty for applicant

Cherokee D 11.

Muskogee, Indian Territory, December 19, 1902.

Lou Switzer,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, ^{or} rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, Robert Toomer, Muskogee, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. E. Wood

Register.

Enclosure H. No. 354.

Acting Chairman.

Cherokee D 11.

Muskogee, Indian Territory, December 19, 1902.

Robert Toomer,

Attorney for Lou Switzer,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of Lou Sanders, now Lou Switzer, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated December 10, 1902, rejecting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. D. McLean

Acting Chairman.

Register.

Enclosure H. No. 355.

COPY.

Cherokee D 11.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Lou Sanders, now Lou Switzer, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enclosure H. No. 356.

COPY

Cherokee D 11.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Lou Sanders, now Lou Switzer, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 10, 1902, rejecting said application.

Respectfully, *T. D. Needles.*

Commissioner of Indian Affairs.
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 357.

Refer in reply
to the following:
Land
76077-1902

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,
February 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Lou Sanders for enrollment as an intermarried citizen of the Choctaw Nation. On December 10, 1902, the Commission rendered a decision in this case, finding that the applicant was first married on August 2, 1887, to Frank Dawson, alleged to be a citizen by blood of the Cherokee Nation; that it appears that she lived with her said husband for over four years, and by her testimony, they were subsequently divorced; that on June 22, 1896, the applicant was married to one John Sanders, who is also alleged to be a citizen by blood of the Cherokee Nation; that by her testimony, she was divorced from her second husband and presents a marriage license and certificate showing that on January 26, 1901, she was married to E. M. Switzer, a white man.

The Commission finds, by reason of these facts, that section 666 of the compiled laws of the Cherokee Nation (1892),

providing that "should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship unless he or she shall marry a white man or woman or person (as the case may be) having no rights of Cherokee citizenship by blood; in that case, his or her rights acquired by the provisions of this act shall cease," is applicable in this case, and that by reason thereof, the application herein should be denied.

An examination of the record evidence shows that it supports the statement of facts set forth by the Commission in its decision, which facts clearly show that the said provision of the Cherokee laws is also applicable, and that by reason thereof, the applicant has forfeited all her rights to citizenship in the Cherokee Nation, and it is therefore respectfully recommended that the decision of the Commission herein be affirmed by the Department.

Very respectfully,

(signed) A. C. Tonner

Acting Commissioner.

W.C.B. H'r.

D.C.4797-1903

DEPARTMENT OF THE INTERIOR.

EAF

WASHINGTON.

ITD. 1372-1903.

February 17, 1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application for enrollment of Lou Sanders as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the applicant was married in 1887 to Frank Dawson, and in 1896 to John Sanders, both of whom are alleged to be citizens by blood of the Cherokee Nation. She testifies that she was divorced from Dawson and Sanders, and it appears that in 1901 she married E. M. Switzer, a white man. December 10, 1902, you held that whatever rights the applicant may have acquired by her marriage to said Dawson and Sanders, were forfeited under section 666 of the Compiled Laws of the Cherokee Nation (1892) by her marriage to Switzer, and you denied the application.

Reporting February 9, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee D-11

Muskogee, Indian Territory, February 28, 1903.

Lou Switzer,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 17, 1903.

Respectfully,

Chairman.

COPY

Cherokee D-11-

Muskogee, Indian Territory, February 28, 1903.

Robert Teomer,

Attorney for Lou Switzer,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Lou Switzer for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 17, 1903.

Respectfully,

Tame Little

Chairman.

COPY.

Cherokee D-11

Muskogee, Indian Territory, February 28, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision,
dated December 10, 1902, rejecting the application of Lou Switzer
for the enrollment of herself as a citizen by intermarriage of the
Cherokee Nation, was affirmed by the Secretary of the Interior on
February 17, 1903.

Respectfully,

Chairman.

Cher R 829

Cher R 829

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 18 1906



ACTING CHAIRMAN.

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APPLICANT, LAURA E. NEWCOMB, DOUBTFUL 1st marriage.
Husband, Edward T. Newcomb, DELEWARE
Child, Robert F. Newcomb, DOUBTFUL DELEWARE.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October, 17th 1900.

In the matter of the application of Laura E. Newcomb, for the enrollment of herself, husband and one child as Cherokee Citizens. She being sworn testified before the Commission as follows:

Q What is your name? A. Laura E. Newcomb.
Q How old are you? A. 33.
Q What is your post office? A. Nowata.
Q What is your district? A. Cooweescoowee.
Q Who is it that you want put on the roll? A. Myself, husband and one child.
Q Are you a white woman? A. Yes sir.
Q What is your husband? A. Delaware.
Q Is he a full blood? A. Yes sir.
Q When did you marry him? A. October, 11th 1895.
Q Have you a certificate of marriage? A. I have one, but it was in trunk and that was lost on the train.
Q Have you lived in the Cherokee Nation ever since your marriage with him? A. Yes sir.
Q Were you ever married before? A. No sir.
Q Was he ever married before? A. No sir.
Q What is your husbands name? A. Edward T. Newcomb.
Q How old is he? A. I cannot tell you that, I thin he is 38 or 39 years old.
Q Was he born in the Cherokee Nation? A. Yes sir.
Q Lived here all his life? A. Yes sir.
Q Give me his father's name? A. I cannot tell you that.
Q Give me the name of his mother? A. Amanda.
Q Is she living now? A. Yes sir.
Q What is the name of your child? A. Robert F. Newcomb.
Q How old is that child? A. 4 years old.
1880 roll, page 149, No. 2105, Edward Newcomb, Cooweescoowee, Adpt. Del.
1896 379 495, Edward Newcomb, "
1896 318 761 Laura Newcomb, "
The applicant applies for the enrollment of herself, husband and one child. Her husband is identified on the roll of 1880 and 1896 as a Delaware. He has lived in the Cherokee Nation all his life, and he will be listed now for enrollment as a Cherokee-Deleware. She states that she was married to him in October 1895 but is unable at this time to present a certificate of marriage. She is identified on the roll of 1896, and states that she has lived in the Cherokee Nation with her husband ever since their marriage, and that neither of them were ever married before. She will be listed now on a doubtful card ~~xxx~~ as an intermarried citizen, awaiting the production of a certificate as to her marriage to her husband Edward Newcomb. When she presents proper certificate as to the birth of the child Robert F. Newcomb, this child will be listed for enrollment as a Cherokee-Deleware.

BY THE CHEROKEE REPRESENTATIVE:

Q Where is your husband now? A. I cannot tell you.
Q He is not in this country? A. No sir.
Q How long has he been out? A. 3 years.

By Commission:

Since the above decision was rendered it develops

that the husband is not in the Cherokee Nation. He is a full blood Delaware, and his wife states that he has not been in the Cherokee Nation for 5 years, therefore the order for his enrollment is cancelled and he will be placed on a doubtful card awaiting further proof as to his residence.

BY THE COMMISSION:

Q What is the reason that your husband left this country? A. He got into some kind of trouble.

Q What kind of trouble? A. I cannot say.

Q Was he fleeing from the law when he left this country? A. Yes sir.

He appears to be fleeing from the law, and it has always been the rule of this commission that where a person is fleeing from the law and for that reason has departed the country, not to accept an application for his enrollment from some one else, but compel said person to come in and make an application in person.

Chas. von Weise being duly sworn states that he stenographer to the Commission to the Five Civilized Tribes has reported to him the proceedings had in the above entitled cause and has the above and foregoing in a true, correct and full transcript of ~~XXXXXXXXXX~~ ~~XXXXXXXXXXXXXXXXXXXX~~ transcript of all the proceedings had in the above proceedings.

(Chas von Weise)

Subscribed and sworn to before me this 1st day of October, 1900.

(Signature)

Commissioner.

2
DEPARTMENT OF
COMMISSION TO THE
FILED
OCT 12 1900

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 11 1900.

Name

Nowata J. F.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

Oct. 11, 1895

License

Certificate

Wife's name

Laura E. Newcomb

District

Year

Page

No.

1896

318

761

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Laura E. Newcomb

| | | | | |
|-------|------|------|-----|-----|
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
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| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |

*On 1896 Roll as Laura Newcomb.
Date of marriage to be supplied*

Supl.-C.D.#630.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of LAURA E. NEW-
COMB as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that her application for enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902, that on said date she might appear before the Commission either in person or by Attorney and an opportunity would be given her to introduce any further testimony affecting her application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 6th day of March, 1902, been called and failing to respond either in person or by attorney, it is directed that the case be closed and that the same be reported to the Commission for a final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.



Commissioner.

J.O.R.

G

Cherokee D-630

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., October 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of LAURA E. (NEWCOMB) BANKS for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation: being sworn and examined she testified as follows:

BY COMMISSIONER:

- Q What is your name? A Laura E. Newcomb, Banks now.
Q How old are you? A 25 years old.
Q What is your post-office address? A Nowata, I. T.
Q You live in Coovrescoowee District? A Yes sir.
Q You claim citizenship, or did claim citizenship in the Cherokee Nation, by intermarriage? A Yes sir.
Q What was the name of your Cherokee husband? A Edward T. Newcomb.
Q When were you married to him? A I was married the 11th day of October, about seven years ago.
Q Were you married under Cherokee law to Edward T. Newcomb? A Yes sir.
Q You are separated and divorced from him, and have since married another man? A Yes sir.
Q When were you married this second time? A 21st day of this last March, 1902.
Q What is the name of the man to whom you were married at that time? A John Banks.
Q Is he a Cherokee or a white man? A White man.
Q He has no rights whatever as a citizen of the Cherokee Nation? A No sir.
Q Have you your certificate of marriage to your first husband Newcomb? A Yes sir.
Q You have a child enrolled, a child by your first husband? A Yes sir.
Q Will you send that certificate to the Commission to be filed in the case of that child? A Yes sir.

-----0-----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this November 4th, 1902.

H. Renter
Notary Public.

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R

D E F I N I T I O N

Chickasaw, Indian Territory,
this DEC 10 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 21 1902

COMMISSIONERS,
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

Mrs. Laura E. Newcomb,

Nowata, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the sixth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of marriage.

Cherokee D-630
Register.

Yours truly,

Acting Chairman.
XXXXXXXXXX

Commissioner in Charge.

Cherokee D 630

Muskogee, Indian Territory, June 25, 1902.

Laura E. Newcomb,

Nowata, Indian Territory.

Madam:-

In the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of your minor child, Robert F. Newcomb, as a citizen by blood of said Nation, you are advised that it is necessary, for the proper consideration of these cases, that you submit to this Commission additional testimony, to-wit: a certified copy of your marriage license and certificate, showing your marriage to your husband, Edward T. Newcomb, or if the same has been lost or destroyed, produce the testimony of the person who issued said license and the party who solemnized said marriage. If, for any reason, you cannot do this, produce the testimony of other persons, for the purpose of establishing your marriage.

You are also requested to have the enclosed blank birth affidavit properly filled out, signed and sworn to, showing the date of the birth of your son, Robert F. Newcomb, after which forward to this Commission and the same will be duly filed.

This testimony must be furnished on or before July 14, 1902.

Yours truly,

Commissioner in Charge.

Register.

Enc. B.C.

Cherokee D 630.

Muskogee, Indian Territory, December 10, 1902.

Laura E. Newcomb,

Nowata, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated December 10, 1902, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Enclosure H. No. 358.

Cherokee D 630.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Laura E. Newcomb for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enclosure H. No. 359.

Cherokee D 630.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Laura E. Newcomb for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 10, 1902, rejecting said application.

Respectfully, *

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 360.

D.C. 4795.

Refer in reply to the following:
Land
76077-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Laura E. Newcomb, for the enrollment of herself, her husband and one child as citizens of the Cherokee Nation, and it appearing that her husband and child are differently classified, they are not embraced in the decision of the Commission herein, and only her application for enrollment as a citizen by intermarriage is considered.

The Commission find in their decision rendered December 10, 1902, that the applicant claims she was married on October 11, 1895, to Edward F. Newcomb, a citizen by blood of the Cherokee Nation, and that she is identified in the Cherokee census roll of 1896 as his wife. It further appears that she and her husband, Edward F. Newcomb, are divorced, and that on March 21, 1902, she was married to John Banks, a white man, and that section 666 of the compiled laws of the Cherokee Nation (1892), providing "should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower

by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, his or her rights acquired under the provisions of this act shall cease", is applicable in this case, and by reason thereof, her application should be denied.

An examination of the record evidence by the office shows that the facts set out in the decision of the Commission are supported thereby, and that said provision of the Cherokee law is applicable in this case. Wherefore, the office respectfully recommends that the decision of the Commission be affirmed by the Department.

Very respectfully,

W.C.B. H'r.

Commissioner.

D.C.4795.

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J.P.

DEPARTMENT OF THE INTERIOR.

I.T.D. 1326-1903.

WASHINGTON.

February 16, 1903.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Laura E. Banks, formerly Laura E. Newcomb, for enrollment as a citizen by intermarriage of the Cherokee Nation, submitted with your letter of December 19, 1902, and with the Acting Commissioner of Indian Affairs' letter of February 7, 1903.

It appears that the applicant was married in 1895 to Edward F. Newcomb, a citizen by blood of the Cherokee Nation, and she is identified on the Cherokee census roll of 1896; that she was divorced from said Newcomb on March 21, 1902, and has married John Banks, a white man.

You rejected the application December 10, 1902, referring to section 21 of the act of June 20, 1898 (30 Stat., 495), and to section 666 of the Compiled Laws of the Cherokee Nation, which provides that

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

-2-

The Acting Commissioner recommends that your decision be concurred in. A copy of his letter is inclosed.

Following the decision of the Department of May 26, 1903, in the case of Phoebe S. Golden, applicant for enrollment as a citizen of the Cherokee Nation, your decision is hereby affirmed.

Respectfully,

Thos Ryan

1 inclosure.

Acting Secretary.

Cherokee D630

Muskogee, Indian Territory, February 28, 1903.

Laura E. Banks,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 16, 1903.

Respectfully,

Chairman.

Cherokee D-630

Muskogee, Indian Territory, February 28, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Laura E. Banks for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 16, 1903.

Respectfully,

Chairman.

Cher R 830

Cher R 830

1120

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 5 1902

[Handwritten signature]

APR 5 1902

1120

R.

C. D-1282.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 26, 1902.

In the matter of the application of JESSE PARNELL for enrollment as a citizen of the Cherokee Nation.

BY COMMISSION: What is your name? A Bud Parnell, Jesse.
Q How old are you? A Thirty-one.
Q What is your post office address? A Cookson postoffice.
Q You apply for enrollment as a Cherokee by blood? A No sir.
Q By intermarriage? A Yes sir.
Q What is the name of your father? A Ben Parnell.
Q Is he living or dead? A Living.
Q What is the name of your mother? A Mary.
Q Living? A No sir, she is dead.
Q Your parents never claimed to be citizens of the Cherokee Nation?
A No sir.
Q What is the name of the wife through whom you claim the right of enrollment?
A Serena Hoyt.
Q Living? A Yes sir.
Q Cherokee? A Yes sir.
Q What is her father's name? A Milo.
Q Living? A Dead.
Q Cherokee or a white man? A Cherokee.
Q What is the wife's mother's name? A Mary.
Q Is she living? A Yes sir.
Q Was she a Cherokee? A A Choctaw, I think.
Q Is your wife a recognized citizen of the Cherokee Nation?
A Yes sir.
Q How old is she? A She is about 26 years old.
Q When were you married to her?
A At the time of the bridge celebration at Fort Smith, I forget.
Q Do you remember what year that was? A In 1893, I believe.
Q Do you think it was in 1893?
A I know it was at the time of the bridge celebration at Fort Smith.
Q Were you married to your wife prior to 1893? A Yes sir.
Q You know it was before that year? A Yes sir.
Q Who married you?
A There was a preacher married us, but I forget his name. I have got a license from John Adair.
Q You got a marriage license? A Yes sir.
Q Where were you married? A McKean.
Q Did you and your wife live together continuously from that time until you went to jail?
A Until I went to the penitentiary in 1896.
Q Until that time you always lived together? A Yes sir.
Q Never left her? A No sir.
Q Did she marry when you were sentenced to the penitentiary?
A No sir.
Q How long were you confined? A Two years.
Q After you were turned loose did you go back and live with her?
A Yes sir.
Q Separate from her then? A Not until I was caught.
Q After you were released you went back and lived with her until they caught you again? A Yes sir.
Q Have any children?
A Yes sir, I have got two. She enrolled in the Choctaw Nation, took after her mother.

- Q Is she both a Choctaw and a Cherokee? A Yes sir.
 Q Was her mother a Choctaw?
 A Yes sir, and her father was a Cherokee, and I am married according to the Cherokee Law. At that time they lived down here in Gooseneck Bend. Her father was a Cherokee.
 Q How long has your wife's mother been dead?
 A She is not dead.
 Q Living, is she? A Yes sir.

It appears from the records of the Cherokee Nation of those persons admitted and re-admitted to citizenship in the Cherokee Nation, that Czarina Hoyt, age at that time eleven years, was admitted to Cherokee citizenship on the 17th day of September, 1884, together with her father, Wile Hoyt.

- Q Do you know whether your wife ever applied to this Commission for enrollment as a Cherokee? A No sir.
 Q She has come to be enrolled as a Choctaw? A Yes sir.
 1894 pay roll, page 1117, number 2284, Czarina Parnell, Tahlequah District. Child named Hoyt.

The applicant's wife does not appear upon the census roll of 1896. Neither is the name of the applicant identified on said roll.

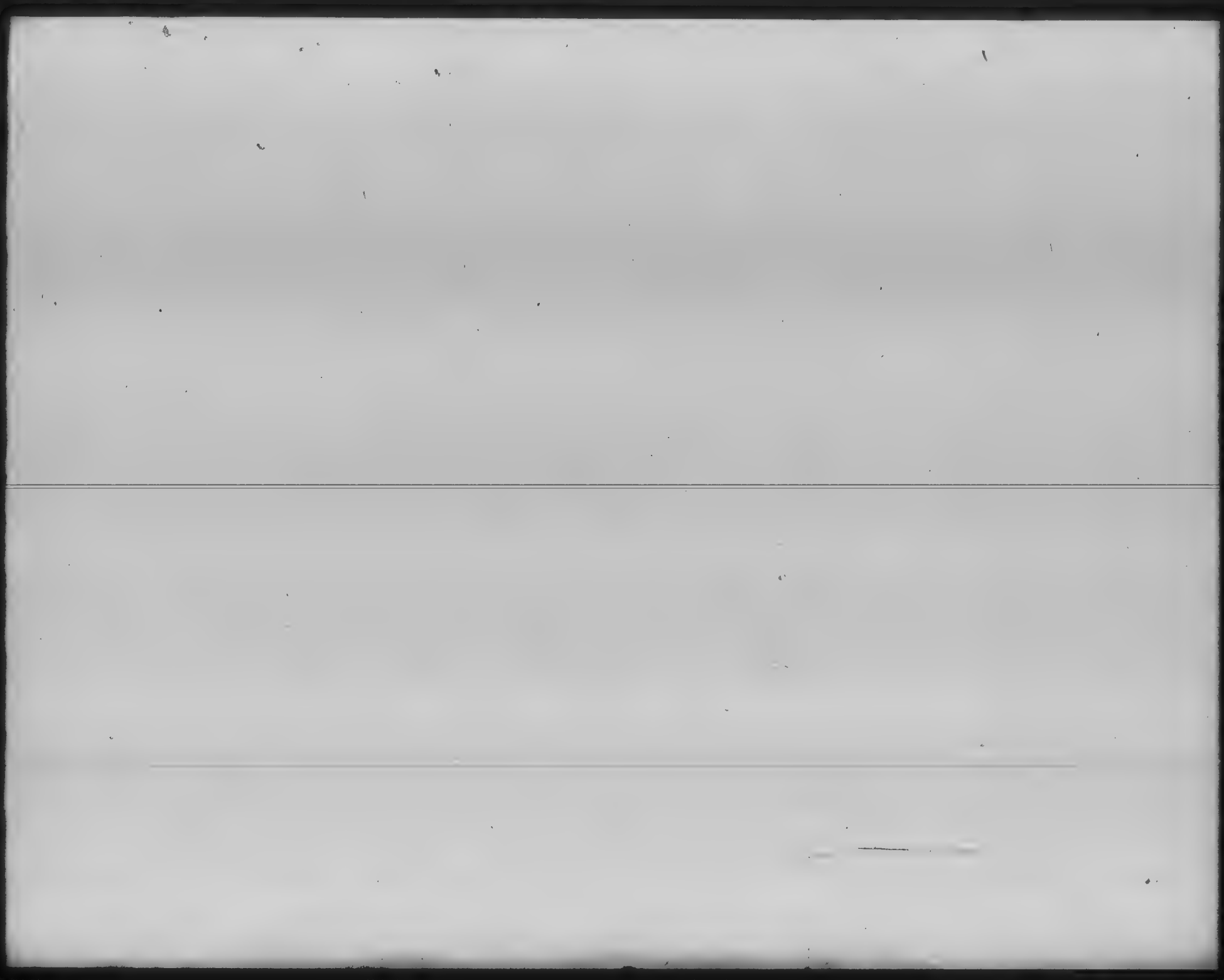
- Q Since you were married you have always lived in the Cherokee Nation, with the exception of the time in jail? A Yes sir.
 Q Always considered this your home? A Yes sir.
 Q Ever married before you married your present wife? A No sir.
 Q Was she ever married before? A No sir.

Jesse Parnell applies for the enrollment of himself as a citizen of the Cherokee Nation. He is not identified upon any of the tribal rolls now in possession of the Commission. His wife, Serena, is shown to be admitted in 1884 by the Cherokee Citizenship Commission. She is duly identified on the strip payment roll of 1894, but not upon the census roll of 1896. The applicant explains that he was raised in the Cherokee Nation, and has lived there continuously since his marriage. The exact date of his marriage is not known. He avers that he was married under the Cherokee law. By reason of the fact that he fails to produce satisfactory evidence as to his marriage, and for the further reason that his wife has elected to be enrolled as a citizen of the Choctaw Nation, final judgment as to the application for admission of Jesse Parnell as a citizen by intermarriage will be suspended, and his name placed upon a doubtful card.

- Q What are the names of your children? A Hoyt Parnall.
 Q Are the name of the other one? A Ewing.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson



Statement of Applicant Taken Under Oath.

Illinois
CHEROKEES BY BLOOD AND ADOPTION.

31
Name *Benjamin - Bookman, J. J.* Date *July 10* 1900.

District *1* Year *1890* Page *1* No. *1*

Citizen by blood *yes* Mother's citizenship *Benjamin J. W.*

Intermarried citizen *no* *Mary " 1. W.*

Married under what law _____ Date of marriage *1890 -*

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| | | | | | |
|---------------|----------------|------|------|-----|-----|
| <i>Robert</i> | Dist. <i>1</i> | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
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| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |

Evidence of marriage to be supplied.
Notify B B Cantrell, Muskogee

2012 8 ~

Cherokee Nation, I.T.)
Sequoyah District)

To a any person legally authorized to
solemnize marriage Greeting:

You are hereby authorized to join in the
holy bonds of matrimony and to celebrate the rites and ceremonies of
marriage between MR. Jess Parnell a citizen of the United States and
Miss Rena Hoyet a citizen of the Cherokee Nation according to the
usual customs and laws of the Cherokee Nation, and you are required
to return this license to me for record within thirty days from
the celebration of such marriage with a certificate of the same
appended thereto and signed by you.

Given under my hand and seal of office this the 25th day of
June A.D. 1891.

Jno. H. Adair,
Clerk Sequoyah District.

Cherokee Nation I.T.)
Illinois District.)

I F. L. Livingston, a minister of the Gospel
hereby certify that on the 25th day of June 1891 I joined in mar-
riage Mr. Jess Parnell a citizen of the United States, and Miss Rena
Hoyet, a citizen of the Cherokee Nation agreeable to the authority
given in the within license and the customs and laws of the Chero-
kee Nation. Given under my hand this the 25th day of June A.D. 1891.

F. L. Livingston, Minister of
the Gospel, of the Presbyterian Church.
Recorded this July 8th 1891.

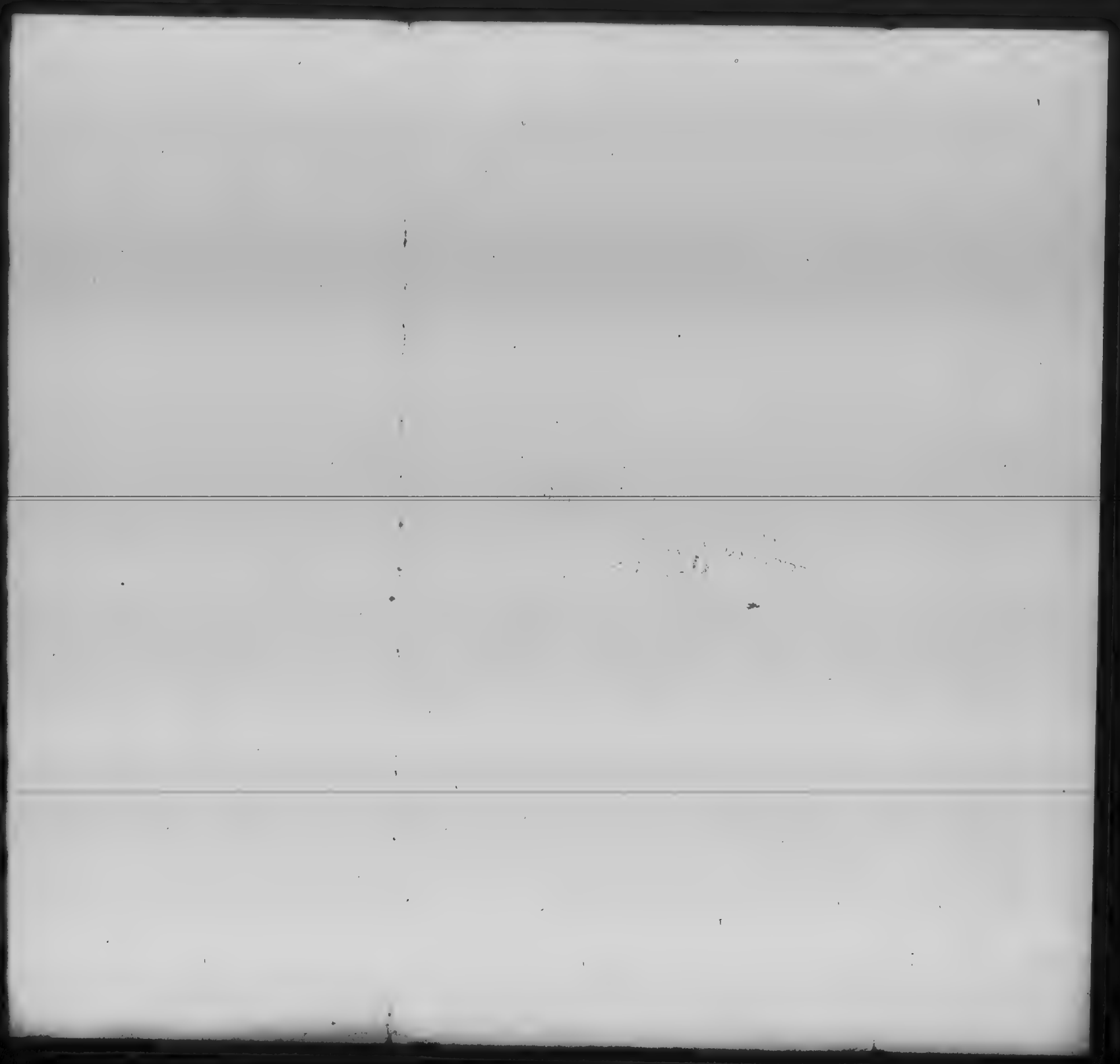
Jno. H. Adair, Clerk Seq. Dist.
C.N.

Executive Office Cherokee Nation,
Tahlequah I.T.

I, B. W. Alberty, assistant Executive sec-
etary of the Cherokee Nation do hereby certify that the above is a true
copy taken from the marriage record of Sequoyah District Chero-
kee Nation, now filed in this Office by law and is in my legal cus-
tody.

Given under my hand and the seal of the Cherokee Nation this
the 21st day of March 1902.

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.



DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

POWER OF ATTORNEY.

KNOW ALL MEN BY THESE PRESENTS,

That Jesse Parnell of Cookson Indian Territory, has made, constituted and appointed, and by these presents does make, constitute and appoint B. E. Cantrell of Muskogee Indian Territory, his true and lawful attorney for him and in his name, place and stead, to make application to the Commission to the Five Civilized Tribes for allotments of lands in the Cherokee Nation to himself and ~~minor children, viz:~~

~~all of whom are citizens of said Nation, giving and granting unto him said attorney full power and authority to do and perform all and every act and thing whatsoever, requisite and necessary to be done in selecting, designating and obtaining said allotments, as fully to all intents and purposes as he might or could do, if personally present; hereby ratifying and confirming all that him said attorney shall lawfully do, or cause to be done, by virtue hereof.~~

IN WITNESS WHEREOF, he has hereunto set his hand this 26th day of March, A. D., 1907

WITNESSES TO MARK:

(Must be Two Witnesses.)

Prince C. Jones
Edward LeFevre

Jesse Parnell
mark

United States of America, }
INDIAN TERRITORY, } ss.
Northern District.

Be it Remembered that on this day personally appeared before me Jesse Parnell, to me personally known to be the person who executed the foregoing power of attorney, and being by me examined separately and apart from his said attorney B. E. Cantrell stated and acknowledged that he had executed said instrument as his free and voluntary act and deed, without compulsion or undue influence, and for the purposes therein mentioned and set forth.

In Testimony whereof I have hereunto set my hand and affixed my Notarial Seal this 26th day of March, A. D., 1907

M. D. Green
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, April 24th, 1902.

In the matter of the application for the enrollment of
Serena Parnell and her two minor children, Hoyt and Ewing Parnell,
as citizens of the Choctaw Nation by blood and their right to be so
finally enrolled by the Commission to the Five Civilized Tribes
and the Secretary of the Interior under the provisions of the
twenty-first section of the act of Congress of June 23, 1898.
Czarina Harmons being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Czarina Harmons.
Q How do you spell it? A C-z-a-r-i-n-a H-a-m-m-o-n-s.
Q How old are you? A About twenty-seven I guess. I
don't know exactly how old I am.
Q What is your post-office address? A Parcell in the
Chickasaw Nation.
Q Have you always lived in the Choctaw and Chickasaw Nations?
A Always lived in the Choctaw except four years I lived in
the Cherokee Nation. Born and raised in the Choctaw Nation.
Q What four years did you live in the Cherokee Nation?
A About fourteen or fifteen years ago. Fourteen years I guess.
We lived right out here eight miles east of here in Gooseneck Bend.
Q Have you ever lived any where except in the Indian
Territory? A No sir.
Q What is the name of your mother? A Her name now?
Q Yes. A. H. F. Mattix. Harriet Mattix.
Q What Nation is she a citizen of? A Choctaw.
Q Did she have any Cherokee blood? A No sir.
Q What was your father's name? A Milo A. Hoyt.
Q What nation was he a citizen of? A Cherokee.
Q Is he living? A No sir.
Q Have you any children? A I have two.
Q What are their names? A Hoyt Parnell.
Q How old is he? A He is nine years old.
Q What is the other ones name? A Ewing.
Q How old is he? A He's seven.
Q Do both of these children live with you? A No sir, my
mother keeps the youngest one. She has raised him all his life.
Q Who is the father of these two children? A Bud Parnell.
Q He is a white man? A Yes sir.
Q He is not a member of any tribe here in the Indian
Territory? A No sir.
Q Where were you living in 1893, nine years ago? A I was
living in South Canadian.
Q In the Choctaw Nation? A Yes sir.
Q Did you draw the 1893 Leased District money that was paid
to the Choctaws? A When they paid the one hundred and three
dollars and something?
Q Yes. A Yes sir.

It appears from the records of the Choctaw Nation in the possession of the Commission that this applicant for herself and her child, Hoyt Parnell, drew the Leased District payment made to the citizens of the Choctaw Nation in 1893 and their names are found upon the 1893 Leased District payment roll of the Choctaw Nation, Tobuckay County, page 79, Numbers 685 and 686, as Czarina Parnell and Hoyett Parnell.

Q You were living in the Choctaw Nation when you drew that 1893 payment? A Yes sir.

Q Have you lived there ever since? A Yes sir.

Q Do you remember when the payment known as the Cherokee Strip Payment was made to the Cherokees the next year? A Yes sir.

Q Did you draw any money as a Cherokee? A Yes sir, they enrolled me and I drew it.

Q Did you draw for anybody besides yourself? A My little child, Hoyt, my baby. They both drew money.

It appears from the records of the Cherokee Nation in the possession of the Commission that this applicant and her minor child participated in what is known as the 1894 Cherokee Strip payment made to the citizens of the Cherokee Nation and their names are found upon such roll, Tahlequah District, page 1117, numbers 2284 and 2285 respectively, as Czarina Parnell and Hoyt Parnell.

Q Have you lived in the Choctaw Nation ever since then? A No sir, I have been living in the Chickasaw Nation.

Q In the Choctaw and Chickasaw Nations? A Yes sir.

Q Never lived any where else? A No sir, except that four years.

Q When you drew the 1894 Strip Payment you were living in South Canadian? A Yes sir.

Q Have you at any other time ever been enrolled as a citizen of the Cherokee Nation? A I guess my father enrolled me when they went to pay what they called the bread money.

Q Do you know if you were enrolled in 1860 on the Cherokee roll? A No, I don't know.

It does not appear from an examination of the records of the Cherokee Nation in the possession of the Commission that the name of this applicant is found upon any of the other tribal rolls of the citizens of the Cherokee Nation, either under the name of Parnell or her maiden name of Hoyt nor has any application ever been made to this Commission for the enrollment of Czarina Parnell and her two minor children as citizens of the Cherokee Nation.

Q Where were you living in 1896, six years ago? A I was living in South McAlester.

Q Were you enrolled when they made up the 1896 roll? Six years ago when the Choctaws made up their census rolls? A Yes sir they put me on a white paper.

Q That was three years ago. I am talking about six years ago. Do you remember when the Choctaws made the census roll in

Serena Parnell 3

1896? A I don't remember.

The name of this applicant and her two minor children appear upon the 1896 census roll of the citizens of the Choctaw Nation as residents of Tobucksey County, Numbers 10243, 10244 and 10245 respectively.

Q Did you ever make an application to the Dawes Commission in 1896 for citizenship in the Choctaw Nation? A No sir.

It does not appear from the records of the Commission that any application was ever made by Czarina Parnell for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896.

Q How long have you been named Hammons? A A year last Christmas, on Christmas Day.

Q Your present husband is a white man? A Yes sir.

Q What became of your first husband? A I don't know.

Q Were you divorced from him? A Yes sir.

Q Have you any children by your second husband? A No sir.

Q There is a provision of the twenty-first section of the act of Congress of June 28, 1898, under which this Commission is preparing the rolls of citizenship of the Five Tribes of the Indian Territory, as follows:

"The several tribes may by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

It appears from our records and the records of the Cherokee and Choctaw Nations in the possession of the Commission and from your statement that you and your children have been recognized and enrolled as citizens of both the Choctaw and Cherokee Nations. Now under this provision of law which I have just read to you, do you elect for yourself and your minor children, Hoyt Parnell and Ewing Parnell, to be finally enrolled by this Commission as citizens of the Choctaw or Cherokee Nation? A I elect the Choctaw.

Q You elect for yourself and your children to be enrolled as Choctaws? A Yes sir.

Q In the event that your enrollment and the enrollment of your two children Hoyt Parnell and Ewing Parnell, as citizens of the Choctaw Nation is approved by the Secretary of the Interior, do you relinquish for yourself and your two children, all your rights, title and interest in and to the tribal property and other funds of the Cherokee Nation? A Yes sir.

Myra Young having been first duly sworn, upon her oath

Serena Parnell 4

states, that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on April 24, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 25th day of April, 1902.

Clarence H. Wood
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 26, 1902.

In the matter of the application of Jesse Parnell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO D-1282.

Applicant present in person.
Cherokee Nation represented by J. C. Starr.

JESSE PARNELL, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Jesse Parnell.
Q How old are you? A I am about 31 or 2 years old.
Q What is your postoffice address? A Cookson.
Q You have heretofore applied to the Commission for enrollment as a citizen by intermarriage, have you? A Yes, sir.
Q What is the name of your wife? A Serena Hoyt.
Q What was her maiden name? A Hoyt, Serena Hoyt.
Q Serena Hoyt? A Yes, sir.
Q When were you married to her? A I don't remember just when it was, how long it has been; the time of the bridge celebration at Fort Smith.
Q Where were you living at that time? A I was staying around here. My home was in the Cherokee Nation at Fort Gibson, but I was working here on the marshal force.
Q Muskogee? A Yes, sir, T. B. Needles.
Q Did you live in the Cherokee Nation after your marriage? A Yes, sir, I married.
Q After you married? A Yes, sir.
Q How long after you married did you continue to live with her? A Well, lived together, had two children.
Q Well, about how long? A For about four years I reckon.
Q Well, now, do you think you were living here in the Creek Nation or in the Cherokee Nation? A Lived here about two months.
Q Where did you go to, then? A Went up close to Tahlequah.
Q In the Cherokee Nation? A Yes, sir.
Q Now what was the cause of your separation after you and your wife had been living together for about four years? A Well I went to the penitentiary for one thing.
Q Did you live together continuously from the time you married up until the time you were sentenced to the penitentiary? A Yes, sir, I was sentenced to the penitentiary for 19 months and 6 days.
Q After your release where did you go? A I come back to South McAlester.
Q South McAlester? A Yes, sir.
Q Well, had you ever been at South McAlester before? A Yes, sir.
Q How long? A I worked down there on the marshal force about a year I guess.
Q Was that before or after you were married to your wife? A Afterwards.
Q After you were married? A Yes, sir.
Q Was that after you lived here in Muskogee? A Yes, sir.
Q Now when you left Muskogee, immediately after you left Muskogee where did you go? A I went from here to the Cherokee Nation.
Q How long did you live in the Cherokee Nation? A I don't know exactly how long we did live down there at McKee Switch. Then I went out into the Chickasaw Nation, and then back to the Cherokee Nation, but I wasn't gone out there no time hardly.
Q What part of the Chickasaw Nation did you go to? A Ardmore.
Q How long were you down there? A About two months, stayed there

about two months I guess.

Q Did you come back to the Cherokee Nation after that? A Yes, sir, come right back to McKee Switch.

Q Were you in South McAlester before you went to the Chickasaw Nation? A Yes, sir.

Q Were you there for a period of 2 years? A Yes, sir, marshall, off and on; she wasn't there all the time; she stayed with my father part of the time over here at Gibson, Fort Gibson.

Q Was she down there any of the time? A Yes, sir, she was, part of the time; her folks live there.

Q Did you keep house down there? A No, sir.

Q Did you ever keep house in the Cherokee Nation or any other place? A Yes, sir, we kept house in McKee Switch and up here at Wagoner and in here when I was marshall.

Q Well after you were released from the penitentiary the first time and came back to the Cherokee Nation how long did you continue to live with your wife? A We were together about four or five months I reckon that time.

Q When did you come back from the penitentiary, that year was it in, what month? A Dugged if I know; I went there in July, 1896, and stayed 19 months and 6 days.

Q You came back then sometime in January or February of 1898, did you? A Yes, sir, I guess so.

Q Where was your wife living when you came back? A South McAlester.

Q How long did you continue to live with her after that? A Two or three months.

Q What was the cause of the separation the second time? A I went to the penitentiary for one thing, and she was arrested while I was gone you know.

Q What? A We couldn't get along.

Q Well, did you say she was arrested? A Yes, sir, while I was gone.

Q Upon what charge? A Selling Choctaw beer I think.

Q How long have you been confined here in jail? A Little over two months here since along about the last of February.

Q Well, is this the third time that you have been convicted? A Oh no, I ain't been convicted any time.

Q Were you convicted twice before? A No, sir.

Q You came from the penitentiary in 1898? A Yes, sir.

Q And lived with your wife about two months? A Two or three months.

Q Were you sentenced to the penitentiary then? A No, I wasn't sentenced to the penitentiary.

Q Were you captured and taken to jail? A Yes, sir, at this place.

Q Were you arrested from the time you came from the penitentiary in 1898 up until two months ago? A No, sir, living around, scouting around ever since.

Q And you came back in January, 1898, to South McAlester and your wife was living there, and stayed with her for four months? A Two or three months.

Q Have you lived with her since then? A No, haven't been around her none.

Q Separated from her about March or April, 1898? A I guess it was, I never—I don't know exactly when it was.

Q What was the cause of the separation? A I don't know; it was because we couldn't get along, and then she was arrested while I was in the penitentiary, and never done exactly right.

Q Did you leave her or did she leave you? A While I was gone she applied for a divorce I believe this last time she left me.

Q When did she apply for the divorce? A I couldn't tell you; she's divorced now; she was down to the jail the other day, and was telling me she had a divorce.

Q How was that time did she obtain the divorce? A I never was notified, I don't know.

Q Where did she obtain it? A At South McAlester.

Q United States Court? A Yes, sir.

Q You were served with notice? A No, sir, I say I wasn't. She just told me the other day, last Thursday, she was down here at the jail.

Q Where is your wife living now? A She told me she was living in El Reno; not El Reno, in the Chickasaw Nation, at Purcell; that's what she told me Thursday.

Q Has she married since your marriage? A No, she says she hasn't; if she has I don't know it. She was down at the jail last Thursday.

Q Who has these two children? A She has them; she told me about them the other evening.

Q When you appeared before the Commission here in March--

A She said when I got out why I could come and get one of them.

Q When you appeared before the Commission here in March in answer to the question, After you were released you went back and lived with her until they got you again, you answered, Yes, sir? A Did I? I stayed with her until they got after me again and then I left.

Q When did they get after you; how long was it after you came back from the penitentiary? A Right after I went to the army then, and then come right back, and they got after me, it was only a little while.

Q Did you enlist in the army? A Yes, sir.

Q What year? A I don't know what year it was.

Q During the Spanish-American war? A Yes, sir, enlisted right here and fought with Col. Roosevelt.

Q How long were you gone? A About four months I believe.

Q After your discharge you came back to the Territory? A Yes, sir, come right back home here, Fort Gibson and here.

Q Where was your wife living when you married her? A She was going to school here, but they lived out here I think on Gooseneck, Goose-neck bend.

Q Did your wife ever draw any money from the authorities of the Choctaw Nation? A Yes, sir, and Cherokee too.

Q Where was she when she drew the lease district money in the Choctaw Nation? A Was living up here by Tahlequah.

Q By Tahlequah? A Right this side of Tahlequah. She went from her to South McAlester; her mother lived at South McAlester.

Q When did she go to South McAlester after you married? A I don't know when she first went, she went down there several times.

Q Well did she go any time during the time that you were living with her? A Oh, yes, sir, two or three times.

Q Did she go down there to live or just to visit? A Just went to visit.

Q How long would she stay? A Two or three weeks at a time sometimes.

Q Well now as a matter of fact she never did live in the Choctaw Nation while you were married to her? A She never kept house there, no, sir, never did; never kept house in the Choctaw Nation, a dozen people knows that here in town; lived in the Cherokee Nation off and on all the time.

Q What is your wife doing now? A I couldn't tell you.

Q You say she isn't married? A She says she ain't; I don't know whether she is or not.

Q Do you support her? A No.

Q Well, how does she make a living? A I can't tell you; I haven't been around there for sometime.

Q Who supports the two children? A I guess their uncle and their grandmother does.

Q Don't the two children live with her? A They all live together I think.

Q Where does your wife's mother live? A She's with her; that's what she said, that she was with her in the Chickasaw Nation.

Q In the Chickasaw Nation? A Yes, sir, that's what she told me at the jail the other evening.

Q Where were you living when this strip payment roll was made to the Cherokee Nation? A Over in the Cherokee Nation close to Tahle-

quah.

Q Do you know where your wife was born? A No, I don't.

Q How long had you known her before you married her? A About a year I reckon; she was going to school here when I married.

Q Her people were living here at that time? A No, sir.

Q Where were they living at that time? A Her mother lived in the Choctaw Nation, and her brother lived out here in the Cherokee Nation at Gooseneck Bend.

MR. STARR: When you got out of the penitentiary and went to South McAlester did you live with your wife there? A Yes, sir, I stayed with her there a while.

Q Where was she living? A South McAlester.

Q Keeping house there? A No, living with her mother.

Q How long did you live with her at South McAlester? A I was there two or three months off and on.

Q Well where did you go to from South McAlester? A Back over to the Cherokee Nation.

Q And left her there? A Yes, sir.

Q Did she continue to live there? A Well, I guess she did; I don't know where she went from there; she was in the Chickasaw Nation now she said.

Q What were you doing when you left her there? A I was scouting then.

Q Was it after that that you went to the army? A Yes, sir, I went to the army and then come back again.

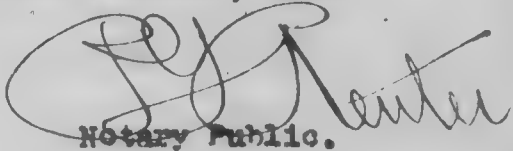
The representatives of the Cherokee Nation desire to offer in evidence a decision of William M. Springer, Judge, found in Docket B, page 445, Court No. 253, in the case of Will E. Linton et al vs. the Cherokee Nation:

"The following is a true copy of judgment of the United States Court of November 10, 1899, as shown by the judge's bench docket:

"The appeal is affirmed with this modification: If Pauline E. Linton elects to be enrolled as a citizen of the Cherokee Nation, she, her husband and children, will be enrolled as citizens of the Cherokee Nation. If she elects to be enrolled as a citizen of the Creek Nation, she and her children will be enrolled as citizens of the Creek Nation, and her husband will not be enrolled as a citizen either of the Creek or Cherokee Nation."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 29th day of April, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jesse Parnell for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on October 26, 1902, Jesse Parnell appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 26, 1902.

The evidence shows that Jesse Parnell was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on June 25, 1891, to Serena Hoyt, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on September 17, 1884. It appears that he lived with his said wife for about four years; that he was then sent to the penitentiary; that after his return from the penitentiary he resumed the marriage relations with his wife and that he abandoned her about March 1898. He is not identified upon any of the Cherokee tribal rolls.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Jesse Parnell as a citizen by intermarriage of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

COPY

Cherokee D 1282.

Muskogee, Indian Territory, December 19, 1902.

Jesse Parnell,

Cockson, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated December 10, 1902, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Enclosure H. No. 351.

Copy.

Cherokee D 1282.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Jesse Parnell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enclosure H. No. 352.

Cherokee D 1282.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Jesse Parnell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 10, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 353.

Refer in reply
to the following:
Land
76077-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,
February 9, 1903.

The Honorable
The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Jesse Parnell for enrollment as a citizen of the Cherokee Nation.

On December 10, 1902, the Commission rendered a decision in this case, finding from the evidence that Jesse Parnell was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on June 25, 1891, to Sereno Hoyt, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on September 17, 1884; that he lived with his said wife for about four years; that he was then sent to the penitentiary; that after his return from the penitentiary he resumed marriage relations with his wife, and that he abandoned her about March 1898; that he is not identified upon any of the Cherokee tribal rolls; that section 667 of the compiled laws of the Cherokee Nation (1892), providing that, "every person who

shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this nation," is applicable to this case. By reason of these facts and said law, the Commission finds that the application of the said Jesse Parnell for enrollment as a citizen by intermarriage of the Cherokee Nation, should be denied.

An examination of the records evidence by the office shows that the statement of facts aforesaid is supported by the evidence herein, and that said law is applicable in this case, and it is therefore recommended that the decision of the Commission be affirmed by the Department.

Very respectfully,

(signed) A. C. Tonner

Acting Commissioner.

W.C.B. B'r.

21282
D.C. 4800-1903

DEPARTMENT OF THE INTERIOR.

BAF

WASHINGTON.

ITD. 1380-1903.

February 17, 1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application for enrollment of Jesse Parnell as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the applicant in 1891 was duly married under Cherokee laws to Serena Hoyt who was admitted to citizenship in 1884; that he abandoned his said wife about March, 1898; and that he is not identified upon any Cherokee tribal roll. In conformity to section 667 of the Compiled Laws of the Cherokee Nation (1892), on December 10, 1902, you denied the application because of such abandonment.

Reporting February 9, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved; a copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee D-1282

Muskogee, Indian Territory, February 28, 1903.

Jesse Parnell,

Cookson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision,
dated December 10, 1902, rejecting your application for the
enrollment of yourself as a citizen by intermarriage of the
Cherokee Nation, was affirmed by the Secretary of the Interior
on February 17, 1903.

Respectfully,

James Dixby.

Chairman.

Cherokee D-1282

Muskogee, Indian Territory, February 28, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Jesse Parnell for the enrollment of himself as a citizen by inter-marriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 17, 1903.

Respectfully,

Tame Dixey

Chairman.

Cher R 831

Cher R 831

R
Cher D 2689

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Marquis D. L. Baird, page 295, # 104, Cooweescoowee District;
white adopted;

Note: "Rejected in 1896; non citizen; does not apply".

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment ?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

E. C. Bagwell; on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 18, 1902.

R. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., January 22, 1903

In the matter of the application of Marquis D. L. Baird, for enrollment as a citizen of the Cherokee Nation.

Marquis D. L. Baird, being first duly sworn and examined, testified as follows:

Q What is your name? A Marcus D. L. Baird.
Q How old are you? A I am 33 years old.
Q What is your postoffice address? A Catale.
Q What district do you live in? A Cooweescoowee.
Q Do you claim to be a citizen of the Cherokee Nation? A No sir.
Q What is your wife's name? A Susie.
Q Is she a citizen of the Cherokee Nation? A Yes sir.
Q Have you some children? A Yes sir, two.
COMMISSION: Susie Baird and two children are identified upon Cherokee card #4128.
Q When were you married to Susie? A May 28, 1896.
Q Were you ever married before you married to your present wife?
A No sir.
Q Did you ever make application for citizenship either to the tribal authorities or to this Commission in 1896 for citizenship in the Cherokee Nation? A I didn't myself, no sir. My folks did; my mother's people.
Q What was done with the application that your mother made?
A They were denied.
Q Was that application made to this Commission? A Yes sir, I think it was; that is, after that; I don't know what time they made the application.
Q You yourself have never been an applicant before the Commission, either for citizenship or for enrollment? A No sir, never have been an applicant myself.
Q And you don't claim to be a citizen of the Cherokee Nation? A No sir, don't claim to be a citizen at all.
COMMISSION: The name of the witness is identified upon the 1896 census roll of citizens of the Cherokee Nation, No. 104, Cooweescoowee District, as Marquis D. L. Baird, adopted white.

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R Palmer

Subscribed and sworn to before me this 22nd day of January, 1903.

Simon R. Wallingford
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Marcus D. L. Baird as a citizen of the Cherokee Nation.

ORDER OF DISMISSAL.

The record in this case shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Marcus D. L. Baird as a citizen of the Cherokee Nation. Thereafter, at Vinita, Indian Territory, on January 22, 1903, Marcus D. L. Baird appeared in person and testified in his own behalf.

The evidence given at Vinita, Indian Territory, on January 22, 1903, by Marcus D. L. Baird, the applicant herein, shows that he is not an applicant before this Commission for citizenship in the Cherokee Nation, and does not claim any rights of citizenship by inter-marriage or by blood, in the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Marcus D. L. Baird as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

Cherokee D 2689

Vinita, Indian Territory, January 22, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On June 30, 1902, Marquis D. L. Baird was listed upon a doubtful Cherokee Card, D 2689, as an intermarried white citizen of the Cherokee Nation. The name of this person is found on the 1896 Census roll of citizens of that Nation with the following note: "Rejected in 1896."

I have to request that the applications made to the Commission for citizenship in the Cherokee Nation, under the provisions of the Act of Congress of June 10, 1896, be examined and that this office be advised if Marquis D. L. Baird was an applicant for citizenship at that time, and if so, what action was taken on his application.

Respectfully,

Clerk in Charge.

GRS

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-2689

A DRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 24, 1903.

P. G. Reuter,

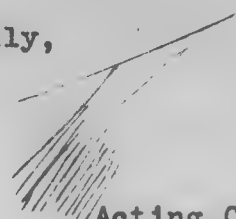
Clerk in Charge Cherokee Land Office,
Vinita, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of January 22,
~~requesting that the applications made to the Commission for~~
citizenship in the Cherokee Nation, under the provisions of the
Act of Congress of June 10, 1896, be examined and that you be
advised if Marquis D. L. Baird was an applicant for citizenship
at that time.

In reply, you are advised that these records have been
examined and fail to disclose the fact that application was
made at that time for Marquis D. L. Baird for citizenship in the
Cherokee Nation.

Respectfully,



Acting Chairman.

COPY.

Cherokee D-2689

Muskogee, Indian Territory, March 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 2, 1903, dismissing the application for the enrollment of Marcus D. L. Baird as a citizen by intermarriage of the Cherokee Nation, he having appeared before the Commission at Vinita, Indian Territory on January 22, 1903, and withdrawn said application.

Respectfully,

James Dickson

Chairman.

Enc. M-167

COPY.

Cherokee D-2689

Kuskogee, Indian Territory, March 2, 1903.

Marcus D. L. Baird,
Catale, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the order of the Commission to the Five Civilized Tribes, dated March 2, 1903, dismissing your application for enrollment as a citizen by inter-marriage of the Cherokee Nation, you having appeared before the Commission at Vinita, Indian Territory, on January 22, 1903, and withdrawn your said application.

Respectfully,

Chairman.

Enc. M-2167

Cher R 832

Cher R 832

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 24 1900


ACTING CHAIRMAN.

20

10/24/00

Straight as to applicant

Doubtful as to husband, Elmer Fults.

Department of the Interior,
Commission to the Five Civilized tribes,
Claremore. I. T. October, 23rd, 1900.

In the matter of the application of Josephine A. Fults for the enrollment of herself, husband, and she being sworn before the Commission testified as follows-

Q What is your name? A. Josephine A. Fults.
Q How old are you? 24.
Q What is your post office? A. Chouteau.
Q What district do you live in? Cooweescoowee.
Q Who is it that you want put on the roll? A. Myself and husband.
Q Are you a Cherokee by blood? A. Yes sir.
Q Is your husband a Cherokee by blood? A. No sir he is a white man.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Give me the name of your father? A. Bempsey F. Coker.
Q Is he dead? A. Yes sir.
Q What is the name of your mother? A. Elizabeth.
Q Is she dead? A. No sir.
Q When were you married to Mr. Fults? A. December, 18th 1895.
Q Were you ever married except to your present husband? A. No sir.
Q Give me the name of your husband? A. Elmer Fults.
Q How old is he? 30.
Q Let me see your marriage license and certificate. Applicant presents a license issued by the Clerk of Cooweescoowee District on December, 16th 1895 authorizing marriage between herself and her husband as stated by her. The certificate shows that they were united in marriage in accordance with said license on the 18th day of the same month and same year by the Rev. L. Dobson. These papers are filed herewith.
Q Has your husband lived with you in the Cherokee Nation ever since he married you? A. Yes sir.
Q Was he ever married except to you? A. No sir.
Q Were you ever married except to him? A. No sir.
1880 roll, page 87, No 700. J. A. Coker, Cooweescoowee, N. C.
1896 155 1624 Josie A. Fults, Cooweescoowee
1896 304 343 Elmer F. Fults "
Q What time of day did your husband get his license? A. Don't remember, some time in the forenoon; he came over from Chouteau that morning and he drove back right soon after dinner.
Q How far did he have to come? A. 20 miles.
Q When did he leave here after getting the license? A. He started from here right soon after dinner.
Q What time did he get here? A. I don't remember, but I know that he started home right soon after dinner and he had the license before he left.
Q I suppose he dined with you on that day? A. Yes sir.

JOSEPH M. LARAY being called as a witness and sworn testified as follows:

Q What is your name? A. Joseph M. Layhay.
Q How old are you? A. 35.
Q What is your post office? A. Claremore.
Q How long have you lived in the Cherokee Nation? A. 11 years the last time, all my life practically.
Q Were you formerly County Clerk of Cooweescoowee District? A. Yes sir.
Q Did you issue a license to Elmer F. Fults to marry the applicant here who was then Miss Josephine Coker? A. Yes sir.
Q Do you know what time of the day he got his license from you? A. No sir, but it seems to me that he drove over from Chouteau that morning and went back the same day; it was the second time that he had made application for the license.
Q When did he take the oath of allegiance to the Cherokee Nation and

pay whatever expenses there were in getting the license? A. On the day the license was issued, that was customary.
Q You are satisfied that he did not pay it the time he made the first application? A. I didnt make any charges until after they got their license.

Applicant applies for the enrollment of herself and husband. She is identified on the roll of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life and will be listed for enrollment as a Cherokee by blood. Her change of name is developed by the marriage license and certificate filed herewith. Her husband is shown to have married her in accordance with the laws of the Cherokee Nation on December, 18th 1895, but he procured his license and took his oath of allegiance to the Cherokee Nation and paid whatever expenses were required by law on the 16th day of December, 1895, the day on which the law was passed prohibiting further acquirement of rights to citizenship by intermarriage. He has lived with his wife ever since their marriage. Neither were ever married before and he is identified on the roll of 1896. For the further consideration of his rights to citizenship as arising under the conditions stated, his application will be placed on a doubtful card and the final decision of the Commission will be forwarded to him at his post office address.

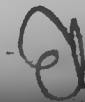
Chas. von Weise being sworn states that ~~he~~ as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above entitled cause and that the foregoing is a full true and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this the 24th of October, 1900.

Chas von Weise
M. J. [unclear]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 23 1900


ACTING CHAIRMAN



1900

Statement of Applicant Taken Under Oath.

Date OCT 8 1900 1900.

Name _____

District

Citizen by blood

Intermarried citizen

Married under what law

Certificate

Wife's name

District

Citizen by blood

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. 24 Page 15 No. 1 Age 1

Dist. Year Page No. Age

Dist. Year : Page No. Age

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Dist. Year ... Page ... No. Age

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Claremore, I.T. November 13th, 1900.

IN THE MATTER OF THE APPLICATION OF JOSIE A FULTS FOR THE
ENROLLMENT OF HERSELF AND HUSBAND-----Supplemental proceedings.

Elmer F. Fults, being sworn and examined by Commissioner C. F. Breckinridge, testified as follows:

Q Give me your full name. A Elmer F. Fults.

Q You want to give some additional testimony in regard to the application made by your wife for enrollment. A Yes, sir.

Q Now, the question was whether you were married before or after the Chokee law of 1895. A I was married after that, on December 13th.

Q You were married on December 13th? A Yes, sir.

Q What is the date of your license? A December 16th.

Q What time in the day did you get that license? A About ten thirty as near as I can remember. I came in here about 9:30 and put my team in the barn and I got them as soon as I could after that, and I got them about 10:30.

Q You got your license before 12 o'clock on that date that law is dated? A Yes, sir; before 11 o'clock.

Q Well, before 12 anyhow. I take that as a turning point?

A Yes, sir; certainly.

Witness excused.

---o---

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the supplemental proceedings in this application at the time and place above set out, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of November 1900.



Commissioner.

This is to certify that the within named parties
Elmer F. Fells and Josephine Coker were united
in Marriage by the undersigned in the
Town of Claremore Cherokee Nation Indian Territory
December the eighteenth in the Year of our Lord
One Thousand Eighteen Hundred and Ninety five
December 18th A.D. 1895.

E. Tobson
Minister of the Gospel.

Recorded on Page

120

Book

6

Marriages

RECORD OF IMPROVEMENTS OF

WEESOCOWEE District, C. N.

J. B. Mahay Clerk.

WEESOCOWEE DISTRICT.

By Fred M. Davis
Deputy Clerk

MARRIAGE LICENSE.

CHEROKEE NATION, COOWEESCOOWEE DISTRICT.

TO ANY PERSON LEGALLY AUTHORIZED--GREETING:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between *Elmer S. Smith* a citizen of the United States, and *Miss Josephine Coker* a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty

days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office, this the *16th* day of *December* 189*5*

Joe. Mc Lanay
Clerk COOWEESCOOWEE District.

By Geo. W. Daniel
Deputy Clerk

Supl.-C.D.#672.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of ELMER F. FULTS
as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 15, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902, and that he might on said day appear before the Commission either in person or by attorney and an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 6th day of March, 1902, been called and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for a final decision based upon the evidence now of record.



J.O.R.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Elmer F. Fults as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 23, 1900, Josephine A. Fults appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of Elmer F. Fults as a citizen by intermarriage of the Cherokee Nation. The other party to the application is differently classified, and is not embraced in this decision. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on November 13, 1900.

The evidence shows that on December 18, 1896, Elmer F. Fults was lawfully married, under authority of a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Josephine Coker. The said Josephine Coker is identified on the 1880 authenticated tribal roll of the Cherokee Nation under the name of J. A. Coker.

The said Elmer F. Fults is identified on the 1896 Census Roll of the Cherokee Nation, and his wife, Josephine A., is also identified on that roll.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 95) provides for the enrollment of Cherokee citizens

"with such intermarried white persons as may be entitled to citizenship under Cherokee law."

Section eleven of the same Act provides that said rolls are to contain the names only of those who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission' shall proceed to allot the exclusive use and occupancy of the surface of all lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same;"

An Act of the Cherokee National Council, approved December 16, 1895 provides:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive pages 329 to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood, who are recognized as citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It is, therefore, the opinion of this Commission that the

Cherokee-D- 672

application for the enrollment of Elmer F. Fultz as a citizen by
intermarriage of the Cherokee Nation should be denied, and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Wuskogee, Indian Territory,
this JUL 16 1902

71

D672

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 24 1902



COMMISSIONERS,
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 15, 1902.

Mrs. Josephine A. Fults,

Chouteau, Indian Territory,

Madam:-

You are hereby notified that the application of Elmer P. Fults

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the sixth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-572
Register.

Yours truly,

Acting Chairman.
XXXXXXXXXXXX

Commissioner in Charge.

COPY.

Cher. D 672.

Muskogee, Indian Territory, July 16, 1902.

Josephine A. Fults,
Cheuteau, Indian Territory.

Madam:

There is herewith enclosed the record of proceedings had in the matter of your application for the enrollment of your husband, Elmer F. Fults, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission, rejecting said application.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

James Dixby.

Acting Chairman.

Register.

Enc. C. No. 62.

CCPY.

Cher. D 672.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Josephine A. Fults for the enrollment of her husband, Elmer F. Fults, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

James Bixby.

Acting Chairman.

Enc. C. No. 83.

CCPY.

Cher. D 672.

Muskogee, Indian Territory, July 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Josephine A. Fults for the enrollment of her husband, Elmer F. Fults, as a citizen by inter-marriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

Tams Bixby.

Acting Chairman.

Through the Commissioner of Indian Affairs.

1 Inclosure,

C. No. 84.

Refer in reply to
the following:
Land
42718--1902.

(COPY)

Department of the Interior,
Office of Indian Affairs,
Washington, August 5, 1902.

The Honorable,

The Secretary of the Interior,

Sir:-

There is enclosed herewith, a report from the Acting Chairman of the Commission, dated July 16, 1902, transmitting the record relative to the application of Josephine A. Fults for the enrollment of her husband Elmer F. Fults as an intermarried citizen of the Cherokee Nation.

The record in this case shows that on December 18, 1895, the applicant was lawfully married under the laws of the Cherokee Nation to Josephine A. Fults nee Coker, and that the name of his wife appears upon the 1880 tribal rolls. The record also shows that the applicant's name appears on the census roll of 1896 as does that of his wife also. The Act of the National Council approved December 16, 1895 declares:

That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive pages 329 to 334, of the Compiled laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares or Shawnees by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed.

- 2 -

Inasmuch as this applicant and his citizen wife were married subsequent to the approval of this act, the act having been approved on December 16, 1895, and their marriage having occurred on December 18, 1895, the office believes that the decision of the Commission rejecting the applicant is correct, and recommends its approval.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)

2672
D. C. No. 13549-1902.

L. R. S.

49284

EAF.

ITD. 4774-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On August 5, 1902, the Acting Commissioner of Indian Affairs transmitted your letter of July 16, 1902, forwarding the record in the matter of the application for enrollment of Elmer F. ~~Fults as an intermarried Cherokee citizen, and recommended that your~~ decision in the case be approved.

It appears that the applicant, a white man, on December 18, 1895, married according to Cherokee laws one Josephine A. Coker who is identified on the authenticated Cherokee roll of 1880 and the census roll of 1896. The Act of the Cherokee National Council, approved December 16, 1895, provides that noncitizens marrying citizens of the Cherokee Nation after the passage of said act, "shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people." You therefore denied the application.

The Department affirms your decision. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

D. L.

Cherokee D 672.

Muskegee, Indian Territory, September 3, 1902.

Josephine A. Fults,
Chouteau, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of your husband, Elmer F. Fults, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Acting Chairman.

Cherokee D 672.

Muskogee, Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Josephine A. Fults for the enrollment of her husband, Elmer F. Fults, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Acting Chairman.

Cher R 833

Cher R 833

Commissioner.

Subscribed and sworn to before me this 21st day of December, 1901.

Original transcript.

foregoing copy, and that the same is a true and complete copy of the report to the Commission, being that as stated -

Arthur G. Croninger,

Commissioner.

L. B. Needles,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 2 1902
ACTING CHAIRMAN

Subscribed and sworn to before me this 21st day of September, 1900.

(Signed) M. D. Green.

same as complete transcript of his stenographic notes thereof. The testimony and proceedings in this case were that the foregoing is to the Commission to the Five Civilized Tribes be correctly recorded M. D. Green, being that first duly sworn, states that as stated above

having been admitted to citizenship in the year 1890. been married according to his testimony in the year 1893 and he and her name will be placed upon a doubtful card; she having been admitted as to the enrollment of his wife, Margaret, and as a member of this Commission as a Cherokee citizen by blood. When this Commission said Nathan D. Harlin will be duly stated for enrollment only identified and having made satisfactory proof as to their her name also appears upon the census roll of 1890 and being also satisfactory proof as to his name, Margaret, also to citizenship. More particularly described in the testimony, census roll of 1890 and he presented satisfactory proof of his name

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 25, 1900.

In the matter of the application of Nathan LaFayette Harlin for the enrollment of himself and wife as Cherokee citizens; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Nathan LaFayette Harlin.
Q How old are you? A 53 years old.
Q What is your postoffice address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q What degree of blood do you claim? A One-sixteenth.
Q For whom do you apply? A Myself and wife.
Q What is the name of your wife? A Margaret.
Q Is she a citizen by blood? A No, sir.
Q When did you marry her? A 1872.
Q She is living is she? A Yes, sir.
Q Been living with you since your marriage? A Yes, sir.
I was accused of taking a reservation and wasn't put on the 1880 roll; I was accused of taking a reservation of 320 acres of land.
Q Did you take it? A No, sir.
Q You present a certificate of the Commission on Citizenship dated Tahlequah September 14, 1880, signed by Roach Young, President, and William Harnage and B. W. Mayes, Assistant Commissioners, attested by J. B. Mayes, Clerk, certifying that LaFayette Harlin was admitted to all the rights and privileges of a Cherokee citizen on the 14th day of September, 1880; are you the identical LaFayette Harlin mentioned in the certificate which you present here?
A Yes, sir.
Q How long have you been living in the Cherokee Nation? A I have been living in the Cherokee Nation—I moved ~~here~~ when they taken their reservations up there in '66.
Q Does your wife's name appear upon the roll of 1880? A No, sir, I moved off the neutral ~~at~~ lands in 1867 and I have been here ever since.
Q Have you any proof of marriage to your wife? A No, sir, I was married in Joplin, Missouri; the law didn't require any license and I never got none.
Q It required a certificate of marriage? A The fellow said whenever we wanted it they would send it to us; I don't know whether I could get it all, because the court-house burned and all the records burned.
Q Your wife is a non-citizen? A Yes, sir.

L.W. BUFFINGTON, being sworn and examined by Com'r Needles states:

- Q What is your name? A L. W. Buffington.
Q What is your age? A 42.
Q What is your postoffice? A Vinita.
Q Do you know Nathan LaFayette Harlin? A Yes, sir.
Q Do you know his wife, Margaret? A Yes, sir.
Q Do you know whether they have been living together continuously as man and wife for any length of time? A Yes, sir.
Q How long? A Ten or 12 years.
Q Recognized as man and wife are they by the community? A Yes, sir.
1896 roll, page 179, #2319, LaFayette Harlin, Cooweescoowee.
1896 roll; page 308, #487, Margaret Harlin, Cooweescoowee.
Q You were married in 1872? A Yes, sir.
Q And your wife wasn't admitted with you? A No, sir.
Q You haven't been married to her since that? A No, sir.

Com'r Needles: The name of Nathan F. Harlin appears upon the

census roll of 1896 and he presents satisfactory proof of his admission to citizenship, more particularly described in the testimony, also satisfactory proof as to his marriage to his wife, Margaret; her name also appears upon the census roll of 1896 and being duly identified and having made satisfactory proof as to their residence, said Nathan L. Harlin will be duly listed for enrollment by this Commission as a Cherokee citizen by blood. Final judgment as to the enrollment of his wife, Margaret, will be suspended, and her name will be placed upon a doubtful card; she having been married according to his testimony in the year 1872 and he having been admitted to citizenship in the year 1880.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this 25th day of September, 1900.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 21st day of December, 1901.

[Signature]

Commissioner.

UNITED STATES DEPARTMENT OF
COMMERCE BUREAU OF THE CENSUS
1910
1910

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

53 Matthew L. Berlin
Name _____

Date SEP 25 1900 1900.

District COOWEESCOOWEE.

Year 1876 Page 176 No. 2346

Citizen by blood W. P. H. Mother's citizenship

Intermarried citizen

Married under what law Date of marriage.

License / Certificate

Wife's name Barbara Arline

District **COOWESCOOWEE.**

Year 1876 Page 308 No. 487

Citizen by blood Mother's citizenship

Intermarried citizen *Mad*

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist..... Year..... Page..... No..... Age.....

Dist. Year Page No. Age

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Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

| Dist. | Year | Page |
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| 2 | 1941 | 101 |
| 3 | 1942 | 102 |
| 4 | 1943 | 103 |
| 5 | 1944 | 104 |
| 6 | 1945 | 105 |
| 7 | 1946 | 106 |
| 8 | 1947 | 107 |
| 9 | 1948 | 108 |
| 10 | 1949 | 109 |
| 11 | 1950 | 110 |
| 12 | 1951 | 111 |
| 13 | 1952 | 112 |
| 14 | 1953 | 113 |
| 15 | 1954 | 114 |
| 16 | 1955 | 115 |
| 17 | 1956 | 116 |
| 18 | 1957 | 117 |
| 19 | 1958 | 118 |
| 20 | 1959 | 119 |
| 21 | 1960 | 120 |
| 22 | 1961 | 121 |
| 23 | 1962 | 122 |
| 24 | 1963 | 123 |
| 25 | 1964 | 124 |
| 26 | 1965 | 125 |
| 27 | 1966 | 126 |
| 28 | 1967 | 127 |
| 29 | 1968 | 128 |
| 30 | 1969 | 129 |
| 31 | 1970 | 130 |
| 32 | 1971 | 131 |
| 33 | 1972 | 132 |
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| 35 | 1974 | 134 |
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| 37 | 1976 | 136 |
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| 76 | 2015 | 175 |
| 77 | 2016 | 176 |
| 78 | 2017 | 177 |
| 79 | 2018 | 178 |
| 80 | 2019 | 179 |
| 81 | 2020 | 180 |
| 82 | 2021 | 181 |
| 83 | 2022 | 182 |
| 84 | 2023 | 183 |
| 85 | 2024 | 184 |
| 86 | 2025 | 185 |
| 87 | 2026 | 186 |
| 88 | 2027 | 187 |
| 89 | | |

RH15

Chas. H. H. 15.

I. 15.

32

IN RE
THE DEATH OF

Margaret Starlin
a citizen of the

Cherokee

Nation.

Approved

Feb 26

1911

C. R. Beckingham
Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Margaret Starlin
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Vinita, Ind. Ter., and died on the 27 day of October,
(Here insert name of post office.)
1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, ~~Arthur~~ G. Harlin, on oath state that I am 56
years of age and a citizen, by blood, of the Cherokee Nation;
that my post office address is Vinita, Ind. Ter.; that I am
(Here insert name of post office.)
husband of Margaret Harlin
(State relationship, as: the father, an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Margaret Harlin died on the 27 day of
(Here insert name of deceased.)
October, 1901.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

G. Harlin

Subscribed and sworn to before me this 26 day of February, 1902.

M. D. Green
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Isaiah H. Long, on oath state that I am 28
years of age, and a citizen, by blood, of the Cherokee Nation;
that my post office address is Afton, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Margaret Harlin
(Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Margaret Harlin died on the 27 day of
(Here insert name of deceased.)
October, 1901.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Isaiah H. Long

Subscribed and sworn to before me this 26 day of February, 1902.

M. D. Green
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Margaret Harlin, a citizen of the Cherokee Nation, who formerly resided at or ~~near~~ near Vinita, Ind. Ter., and died on the 27 day of October, 1901.

Affidavit of Relative.

UNITED STATES OF AMERICA,)
Indian Territory.)
Northern District.)

I, N. L. Harlin, on oath state that I am 56 years of age, and a citizen, by blood, of the Cherokee Nation; that my post office address is Vinita, Ind. Ter.; that I am husband of Margaret Harlin, who was a citizen, by adoption, of the Cherokee Nation; and that said Margaret Harlin died on the 27 day of October, 1901.

N. L. Harlin

(SEAL)

Subscribed and sworn to before me this 26 day of February 1902.

M. D. Green,
Notary Public.

Affidavit of Acquaintance.

UNITED STATES OF AMERICA,)
Indian Territory)
Northern District)

I, Isiah H. Long, on oath state that I am 28 years of age, and a citizen, by blood, of the Cherokee Nation; that my post office address is Afton, Ind. Ter.; that I was personally acquainted with Margaret Harlin, who was a citizen by adoption of the Cherokee Nation; and that said Margaret Harlin died on the 27 day of October, 1901.

Isaiah H. Long,

(SEAL)

Subscribed and sworn to before me this 26 day of February, 1902.

M. D. Green,
Notary Public.

Muskogee, Indian Territory, July 18, 1902.

I, R. A. Stevens, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Margaret Harlin for enrollment as a citizen of the Cherokee Nation, Cherokee D-415.

R. A. Stevens
Steno.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Margaret Harlin for enrollment as a citizen by intermarriage of the Cherokee Nation.

O R D E R
-:-:-:-:-

The record in this case shows that on September 25, 1900, Nathan LaFayette Harlin appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of his wife, Margaret Harlin, as a citizen by intermarriage of the Cherokee Nation. The application also included Nathan LaFayette Harlin, but he is differently classified and not embraced in this order.

The evidence shows that Margaret Harlin died on the 27th day of October, 1901.

It is, therefore, ordered by this Commission that the application of Margaret Harlin for enrollment as a citizen by intermarriage of the Cherokee Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

6

PM13

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 21 1902

[Handwritten signature]

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10th 1902

Mr. Nathan LaFayette Harlin,

Vinita, Indian Territory,

Sir:-

You are hereby notified that the application of Margaret Harlin

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

26th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with a certificate of readmission.

Yours truly,

Cherokee D-415

Register.

Acting Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-415

Muskogee, Indian Territory, March 7, 1903.

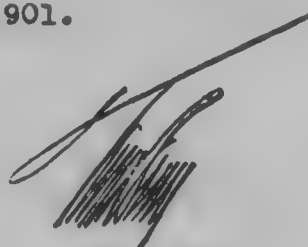
Nathan L. Harlin,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 2, 1903, dismissing the application for the enrollment of your wife, Margaret Harlin, as a citizen by intermarriage of the Cherokee Nation, she having died October 27, 1901.

Respectfully,



Chairman.

Enc. M-3195

Register

COPY.

Cherokee D-415

Muskogee, Indian Territory, March 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 2, 1903, dismissing the application of Nathan L. Harlin for the enrollment of his wife, Margaret Harlin, as a citizen by intermarriage of the Cherokee Nation, she having died on October 27, 1901.

Respectfully,

Samuel Smith
Chairman.

Enc. M-4195

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Nathan L. Harlin,

Vinita, Indian Territory.

Cher R 834

Cher R 834

THE STATE COMMISSION ON THE JUDICIAL BRANCH
COMMISSIONERS TO THE JUDICIAL BRANCH
THE JUDICIAL BRANCH

[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 17 1901

JAN 17 1904

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, I.T., DECEMBER 19th, 1900.

IN THE MATTER OF THE APPLICATION OF Celia Jones for the enrollment of Andrew J. Faulkner (Falconer) as a citizen of the Cherokee Nation, and the said Celia Jones, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A Celia Jones.
Q What is your Postoffice? A Eureka.
Q What is your age? A Thirty five.
Q You say you want to apply for an old man who lives in your family? A yes sir.
Q What is his name? A Andrew J. Faulkner (Falconer).
Q Why can not this old man apply for himself? A He is not able to get out, and he said I was coming, and that I could do.
Q How old is he? A Sixty three years old.
Q Can he not get about? A yes sir; he can get about.
Q Does he see good, or is he blind? A He is nearly blind.
Q He is nearly blind, is he? A yes sir.
Q Is he a Cherokee by blood? A yes sir; he claims to be.
Q How long has he lived in the Cherokee Nation, Do you know?
A Twenty five years, I think he told me.
Q Was he ever married? A yes sir.
Q Is his wife dead? A Yes sir, one of them is, and he parted from his last wife.
Q Whom was he living with in 1880? A I do not know. I do not recollect.
Q What is the Postoffice of Andrew J. Faulkner? A Eureka.
Q Same as yours? A yes sir.

(1880 Roll, Page 529, #350, A. J. Falkner, Illinois District)

(1880 Roll, Page 529, #649, Mary A. Falkner, Illinois District)

- Q Who was Mary who was with him on the roll? A His wife.
Q Is she dead? A yes sir.

(1896 Roll, Page 928, #64, Andrew J. Fortner, Illinois District)

- Q After this wife, Mary died, he married again, did he? A yes sir.
Q Whom did he marry the last time? A She was a Coleman I believe.
Q Was she a white woman or a Cherokee woman? A I think she claimed to be a Cherokee woman.
Q Is she dead? A No sir.
Q When did he marry that woman? A I do not know: It has been about seventeen or eighteen years ago, I reckon.
Q How long did they live together? A They lived together about nine or ten years: I do not know exactly.
Q Is she living now? A yes sir.
Q Where is she living: Do you know? A I think she lives in Gibson.
Q What is her name now? A Faulkner I reckon. I do not know her given name: I have heard him call it, but I have forgotten it.
Q Was her name Nora? A I believe that is her name.
Q Were there any children by that marriage? A Yes sir; one.
Q Do you know her father? A No sir.

Com'r. C. R. Breckinridge:

The testimony in the case of Norah Fortner et al, #1687, shows that she was a Coleman, daughter of James Coleman, and that she was married to a man named Fortner in 1889.

- Q How long have Fortner and his wife, Nora, been separated?
A About six years I guess.

Com'r. C. R. Breckinridge: The testimony just quoted further states that they have been separated for four years, and have not since that time lived together: She claims to have been readmitted to citizen-

ship, and she has been enrolled as a Cherokee by blood, with the requirement that she produce an official copy of her certificate of admission.

Q Why did Fortner and his wife separate? A I never did ask him: I never did ask him about that.

Q Have they ever had a divorce? A No sir, I think not.

Q Has he ever married since he separated from that wife? A No sir.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of Andrew J. Faulkner (Falconer - Fortner), whom she states lives with her family; is blind, old and infirm: He is identified on the rolls of 1880 and 1896 as a Cherokee by intermarriage: He being a white man. It appears from the testimony that his wife to whom he was married in 1880 is dead, and that he has since married one, Nora Fortner: Her status as a Cherokee woman is set forth in Case #1687, where it is required that she produce a certificate of her readmission to Cherokee citizenship: It is therefore not determined at this time whether her husband has married out of the rights he enjoyed in 1880, and to whether he was properly or improperly enrolled in 1896: It further appears that this couple have not lived together for four years, and no information is furnished at present as to whether he abandoned his wife. It is said that no divorce has been obtained between them, and that he has never remarried. He will now be listed for enrollment as a Cherokee by intermarriage upon a doubtful card, to await the determination of the status of his last wife, and further information in regard to the circumstances attending their separation: It should be observed in the later connection that practically they separated before the roll of 1896 was made, upon which he was admitted.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.


Subscribed and sworn to before me this 12th day of January, 1901.

C. R. Breckinridge
COMMISSIONER.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 19 1900



ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

63 Name Andrew J. Fortner Date DEC 19 1900 1900.
District Illinois Year 1880 Page 529 No. 650
Citizen by blood _____ Mother's citizenship _____
Intermarried citizen yes
Married under what law _____ Date of marriage _____
License _____ Certificate _____
Wife's name _____
District _____ Year _____ Page _____ No. _____
Citizen by blood _____ Mother's citizenship _____
Intermarried citizen _____
Married under what law _____ Date of marriage _____
License _____ Certificate _____

Names of Children:

| Dist. | Year | Page | No. | Age |
|-------|------|------|-----|-----|
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |

On 1880 roll as A. J. Falkner

Application made by Celia Jones

Certificate of wife's admission to be supplied, and
character of separation to be determined
See Card # 1687

10/10/2

... of the Cherokee nation present.
... and that the following is a true and com-
... recorded the
... Cherokee nation present.

ACTING CHAIRMAN

1891 March 14, 1903. Received of the
Cherokee nation the following certificate of the
Cherokee nation present.

... of the Cherokee nation present.
... of the Cherokee nation present.
... of the Cherokee nation present.

... of the Cherokee nation present.
... of the Cherokee nation present.
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... of the Cherokee nation present.

... of the Cherokee nation present.
... of the Cherokee nation present.
... of the Cherokee nation present.

1-1003.

P.

C. D-1023.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Andrew J. Fortner for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter.

MR. HASTINGS: The representative of the Cherokee Nation moves for a continuance in the above case until March ~~14th~~ 19th, in order to get service of notice upon the applicant, so that proof may be introduced against him.

BY COMMISSION: The request of the Attorney of the Cherokee Nation will be complied with, and same will be continued until the 19th day of March, 1902.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Office Commission on
Citizenship Tahlequah.

No.201 Nora Owens

Eugene Owens

Lilly Owens

Grace Owens

Application for citizenship,

Blu Alberty Atty. for Claimant.

Vs

Cherokee Nation

Petition filed January 25, 1884.

Case submitted by claimant January 25, 1884.

Case submitted by solicitor January 26, 1884.

And now on this the 26th day of January, 1884, this case coming on final hearing and all the evidence in the case being produced and the same being carefully read and duly considered, it was adjudged and determined by the Commission on Citizenship that said applicants: Nora Owens, Eugene Owens, Lilly Owens and Grace Owens are Cherokees by blood and are equally entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation, as other Cherokee Indians, and they are hereby admitted to the full enjoyment of the same as other Native Cherokees.

Given from under our hands this the 26th day of January, 1884.

Ely Spears, Pres't.

Attest C.O.Frye Clerk)

John Lee

(

Com. on Citizenship)

Andrew Young

Commissioners

(

I, B.W.Alberty, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the foregoing is a true copy taken from the records of the Citizenship Commission of the Cherokee Nation of the year 1884; that said records are a part of the records kept in the Executive Office of the Cherokee Nation and are in my custody.

Given under my hand and the seal of the Cherokee Nation on this the 23rd day of August 1900.

B. W. Alberty

Asst. Ex. Sec.

(Seal of the Cherokee Nation)

I, the undersigned, a stenographer of the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above is a true and correct copy of a certified copy now on file in the Office of the Commission.

IN RE
THE DEATH OF

Andrew J. Fortner
a citizen of the

Cherokee Nation.

Approved Oct 21 1902

C. R. Buckinridge
Commissioner.

1-17 1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

Andrew J. Forner
(Here insert name of deceased.)

a citizen of the

Cherokee

Nation, who formerly resided at or near

Curena

(Here insert name of postoffice,

, Ind. Ter., and died on the _____ day of

Jan or Feb, 1 902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Belia Jones, on oath state that I am about 34
years of age and a citizen, by blood, of the Cherokee Nation;
that my post office address is Eureka, Ind. Ter.; that I am
a niece by marriage of Andrew J. Fortner,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Intermarriage of the Cherokee Nation;
and that said Andrew J. Fortner died on the _____ day of
Jan. or Feb., 1 902.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Wm Hutchinson
A C Ross

Belia Jones
mark

Subscribed and sworn to before me this 18th day of October 1902.

John Ross
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Monroe Jones, on oath state that I am 41
years of age, and a citizen, by Intermarriage, of the Cherokee Nation;
that my post office address is Eureka, Ind. Ter.;
that I was personally acquainted with Andrew J. Fortner,
(Here insert name of deceased.)
who was a citizen, by Intermarriage, of the Cherokee Nation;
and that said Andrew J. Fortner died on the _____ day of
Jan. or Feb., 1 902.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Wm Hutchinson
A C Ross

Monroe Jones
mark

Subscribed and sworn to before me this 18th day of October 1902.

John Ross
Notary Public.

Cherokee D. 1023.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Andrew J. Fortner for enrollment as a citizen by intermarriage of the Cherokee Nation.

O R D E R.

The record in this case shows that on December 19, 1900, one Celia Jones appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment of Andrew J. Fortner as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902.

The evidence shows, by an affidavit of death made a part of the record herein, that Andrew J. Fortner died in "January or February, 1902."

Section twenty-five of the Act of Congress approved July 1, 1902 (Public No. 241), duly ratified as provided for in section seventy-five thereof, provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, ordered by this Commission that the application for the enrollment of Andrew J. Fortner as a citizen by intermarriage of the Cherokee Nation, be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

Cherokee D-1023.

Muskogee, Indian Territory, September 18, 1902.

W. H. Bliss,

Parsons, Kansas.

Dear Sir:-

The Commission is in receipt of your letter of September 15, in reference to the right to enrollment as a citizen of the Cherokee Nation of your wife. You ask in that letter if the name of your wife's father, A. J. Fortner, appears upon any of the Cherokee rolls.

In reply you are advised that A. J. Fortner is identified upon some of the Cherokee rolls as an intermarried white person. If you will furnish the Commission the name of your wife, it will be possible to advise you as to her status.

It is noticed in your letter that you state that A. J. Fortner is now dead. There is enclosed you herewith a blank form of affidavit which you are requested to have properly executed and forward to the Commission, in order that the death of A. J. Fortner may be shown upon the Commission's records.

Yours truly,

Acting Chairman.

Enc.-P-180.

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS
NORTHERN DISTRICT.

In the matter of the application of.....

Andrew J. Fortner for enrollment as a Cherokee Freedman. *citizen*

No. F. D. *1023*

J. C. STARR

....., of lawful age, being duly sworn on oath states that on the *12th* day of *March*, A. D., 190*2*, he registered to *Andrew J. Fortner* whose postoffice is *Carthage*,

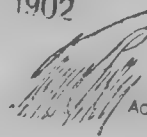
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at *Muskogee*, Indian Territory; and that on the *19th* day of *March*, 190*2* he received the return card which is hereto attached, signed by the said *Welia Jones*, showing that he had received said notice.

Subscribed and sworn to before me on this the *14* day of *March*, A. D. 190*2*

J. C. Starr
Notary Public.

COMMISSION OF THE INTERIOR
SESSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 10 1902


ACTING CHAIRMAN

C.D. 1023

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of 190

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

NOTICE!

IN THE MATTER OF the application of Andrew J. Fortner,
for enrollment as Cherokee citizens:
Case No. D. 1023

To Andrew J. Fortner, or to Celia Jones, his agent:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee,
Indian Territory, on March 12, 1902, at 8 o'clock A.M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 12, 1902.

.....
.....
Attorneys for the Cherokee Nation.

Cherokee D 1023

Vinita, Indian Territory, January 26, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Referring to the list of Cherokee cases held for further testimony, transmitted with the Commission's recent letter, the following note appears thereon as to case D 1023, Andrew J. Fortner:

"Ready to write when death affidavit is returned to jacket."

This affidavit is enclosed herewith.

Respectfully,

Clerk in Charge.

Encl-S-75

GRS

COPY.

Cherokee D-1023

Muskegee, Indian Territory, March 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 2, 1903, dismissing the application of Celia Jones for the enrollment of Andrew J. Fortner as a citizen by intermarriage of the Cherokee Nation, he having died prior to September 1, 1902.

Respectfully,

Tame Kirby.
Chairman.

Enc. M-2196

Cherokee D-1023

Muskogee, Indian Territory, March 7, 1903.

Celia Jones,

Eureka, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 2, 1903, dismissing your application for the enrollment of Andrew J. Fortner as a citizen by intermarriage of the Cherokee Nation, he having died prior to September 1, 1902.

Respectfully,

Chairman.

Enc. M-196

Register

8

10/10/3

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 13 1902

[Handwritten signature]

COMMISSIONERS:
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Mrs. Celia Jones,

Eureka, Indian Territory,

Madam-

You are hereby notified that the application of Andrew J. Fortner

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 14 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

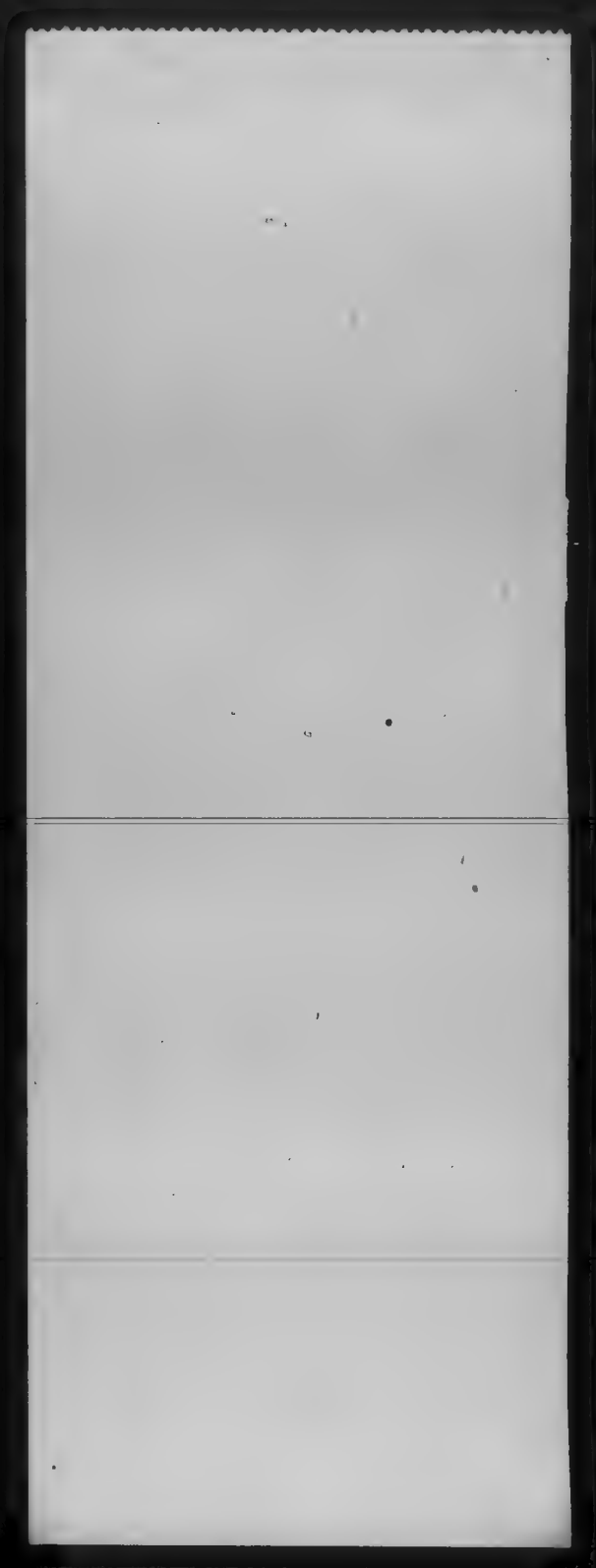
CherokeeD-1023

Register.

Yours truly,

~~Acting Chairman~~

Commissioner in Charge.



Cher R 835

Cher R 835

Department of the Interior,
Commission to the Five Civilized Tribes.
Fort Gibson, I. T. August 30, 1900.

In the matter of the application of Mary E. Miller for the enrollment of herself as a Cherokee by intermarriage and one son and three grandchildren as Cherokees by blood: being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Mary E. Miller.
- Q What is your age? A 59.
- Q What is your post office address? A My post office address is Wagoner.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q By blood. A By adoption.
- Q For whom do you apply for enrollment? A For my family.
- Q For yourself? A Yes sir, as an adopted.
- Q Anybody else? A I have a son that is 19.
- Q How many children have you? A I have one minor and three grandchildren.
- Q Yourself and one child and three grandchildren? A Yes sir.
- Q In what district do you live? A Cooweescoowee.
- Q How long have you been a resident of the Cherokee Nation? A Since 1887.
- Q Continuously, all the time? A Yes sir.
- Q You father and mother non-citizens? A Yes sir.
- Q What is the name of your ~~mother's~~ husband? A Crill Miller.
- Q He living? A No sir.
- Q Was he a Cherokee citizen by blood? A Yes sir.
- Q What is the date of his death? A 1892.
- Q When were you married? A In 1861.
- Q Do you recollect the name of your husband's father? A William B. Miller.
- Q He living? A No sir, he died a year ago.
- Q What is the name of your husband's mother? A Her name was Elizabeth.
- Q She living? A No sir.
- Q When did she die? A I cant tell you, he has'nt been living since my husband was a boy.
- Q What is your child's name? A John Hickman, he is 19.
- Q What are the names of these grandchildren? A John Hickman Cartwright, 11 years old.
- Q What is the name of the next one? A William Thomas Cartwright, 6 years old.
- Q What is the name of the next one? A Lelietta Cartwright, 8 years old.
- Q What is the next? A That is all.
- Q Are these children alive and living with you? A Yes sir.
- Q Your son John lives with you? A Yes, sir, you will find it on t the roll of 1880, here is a certificate of admission, there is two.
- Q What is the name of the mother of these grandchildren? A Esther Cartwright, nee Miller.
- Q Was she a citizen by blood? A Yes sir, she was our oldest daughter.
- Q Is she living? A She is not.
- Q What is the name of the father of these children? A John Cartwright.
- Q Is he living? A I can't tell you, we have'nt seen him in five years, we suppose he is dead.
- Q Who was the mother of Esther Miller? A Myself.
- Q What was Esther Miller's age? A She died when she was 23, she died in 1895; her children is on the 1896 roll.
- You present a certificate of admission to citizenship in the Cherokee Nation, dated June 12, 1878, signed by John Chambers, President of t the Commission, O. P. Brewer and George Downing, Commissioners, attested by D. L. Nicholson, Clerk. This certificate of admission

admits Crill Miller to citizenship on the 12th of June 1878. Is the Crill Miller whom you claim as your husband the identical Crill Miller mentioned in this certificate? A Yes sir.

Q You were married in 1861? A In 1861 in Texas, and moved to this country in 1887.

Q Were you ever married according to the laws of the Cherokee Nation? A No sir, they don't require a Cherokee gentleman to have those signers, it is only those that are girls that marry.

Q Have you any proof of your marriage in Texas? A I suppose it is on the record in Dallas Court House; still the Court House has been burned once, but I don't think the records were burned; there is many citizens there can testify to it in Dallas.

Q Your son, John H., what was the date of his birth? A In 1880.

Q What is the date of the birth of Esther Miller, or Esther Cartwright? A In 1868 I think, she was 28 when she died and has been dead five years.

(Mary E. Miller on 1896 roll, page 217, No 2341, Cooweescoowee district. John Hickman Miller on 1896 roll, page 219, No 3416, John H. Miller, Cooweescoowee District. John H. Cartwright on 1896 roll, page 139 No 1199, Cooweescoowee district. Lelietta Cartwright on 1896 roll page 139 No 1200 Letitia Cartwright, Cooweescoowee district. William T. Cartwright on 1896 roll page 139 No 1201, Cooweescoowee district.)

Q Did you draw strip money for these children? A Yes sir.

Q You didn't draw any for yourself? A Yes sir, no, I didn't either, not for myself, but for all the children.

(John H. Miller on 1894 roll, page 240, No 2673, Cooweescoowee district. John H. Cartwright on 1894 roll, page 147, No. 675, Cooweescoowee district. Lelietta Cartwright on 1894 roll page 147.)

No 676 Letitia Cartwright, Cooweescoowee district. William T. Cartwright on 1894 roll, page 147, No 677 Wm. Thos. Cartwright, Cooweescoowee district. Essie Cartwright on 1894 roll page 147 No 674 Cooweescoowee district.)

The name of Mary E. Miller appears upon the census roll of 1896. She presents a certificate of admission as described in the testimony, certifying that her husband Crill Miller, was admitted to citizenship on the 12 of June, 1878, but the name of the said Crill Miller does not appear upon the authenticated roll of 1880 and he died in the year 1892. She avers that she was married to the said Crill Miller in the state of Texas under the laws of that state in 1861. She presents no proof of marriage by Cherokee law after the year 1878, the date of her husband's admission, consequently her application for admission as a Cherokee citizen by intermarriage is denied.

John H. Miller, her son, his name is found upon the census roll of 1896, as well as the pay roll of 1894, he having been born to the said Crill Miller and his wife, Mary E. Miller, after the year 1878, and satisfactory proof having been made as to his residence, and he being duly identified, he, the said John H., will be duly listed for enrollment by this Commission as a Cherokee citizen by blood.

The applicant applies for the enrollment of John H. Cartwright, Lelietta Cartwright, and William T. Cartwright, children of Esther Miller by her husband, John Cartwright, a non citizen, said Esther being the daughter of the said Mary E. Miller. The said Esther Cartwright, the child of Mary E., and Crill Miller, was born in the year 1868, prior to June 12, 1878, the date of the admission of her father to Cherokee citizenship. Her name does not appear upon the certificate admitting her father to citizenship, consequently she was'nt a recognized citizen of the Cherokee Nation by blood, neither are her children, John H., Lelietta, and William T., and the application for the enrollment of the said John H. Cartwright, Lelietta Cartwright, and William T. Cartwright, will be refused.

The decision and the judgment will be forwarded to the Secretary of the Interior when the rolls of the Cherokee Nation are completed and forwarded to him for approval, and these proceedings

are all considered by him, and have to be approved.

I desire to inform you that if you desire to take an appeal to the Department from this decision, you can make your application to this Commission in writing and we have blanks back there that you can file with us if you so desire.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 6th day of September 1900.

T. B. Needles,
Commissioner.

Ella Mielenz, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly copied the above and foregoing testimony and that the same is a true and correct copy of the original.

Ella Mielenz

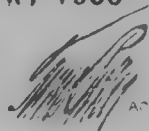
Subscribed and sworn to before me this 14th day of June, 1902.

[Signature]

Notary Public.

101078 B
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 30 1900



ACTING CHAIRMAN.

R 117

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date 1 **AUG 30** 1900

Name W. A. Miller

District Year Page No.

Citizen by blood . . . Mother's citizenship . . .

Intermarried citizen 1

Married under what law Calif. Civ. Code Date of marriage 11/22/77

License **Certificate**

Wife's name May C. Miller

District COOWEESCOOWEE. Year 1896 Page 217 No. 2241

Citizen by blood Mother's citizenship

Intermarried citizen *142*

Married under what law _____ Date of marriage _____

License **Certificate**

Names of Children:

| | | | | | |
|-------|------------|------------|------------|----------|-----------|
| | Dist. | Year | Page | No.... | Age..... |
| | Dist. | Year | Page | No..... | Age..... |
| | Dist. | Year | Page | No..... | Age |
| | Dist. | Year | Page..... | No..... | Age..... |
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S U P P L E M E N T A L T E S T I M O N Y .

#7211.
D #1078.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 1st, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of John H. Cartwright, et al., #7211, and Mary E. Miller, D. #1078, as citizens of the Cherokee Nation:

MARY E. MILLER, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary E. Miller.

Q Mrs. Miller, you applied for the enrollment of yourself and these grandchildren on the 30th day of August, 1900 at Fort Gibson?

A Yes, sir.

Q What is your post office address? A Wagoner.

EXAMINATION BY MR. W. W. HASTINGS, Cherokee Representative:

Q What was your husband's name? A Crill Miller, he usually signs it.

Q What was the mother of these Cartwright children's maiden name?

A Her name was Eather Miller.

Q She was yours and Crill Miller's daughter? A Yes, sir.

Q When was she born? A In 1868, October 21st.

Q When did she remove to the Cherokee Nation? A In 1892 I think it was; we have been here 14 years, I think it was in 1892--No 1886.

Q Your daughter came with you at that time? A Yes, sir.

Q Was she married then? A No, sir.

Q Where did she marry? A Out here at our home on Grand river in Cooweescoowee.

Q When? A February 28th, 1889.

Q How long did she live here after she married? A She lived all her married life, except on one visit she was away six months.

Q Whom did she marry? A John H. Cartwright.

Q Is he alive? A I could not tell you, we haven't heard from him for four years; he was in Montana the last time I heard from him.

Q Are these three children the result of that union? A Yes, sir.

Q Where were they born? A At my house.

Q Where are they living? A At my house.

Q Where have they always lived? A Right there.

Q They have never lived anywhere else except the Cherokee Nation?

A No, sir. The mother of these children died at my house.

Q Did their father and mother live together until her death? A Yes, sir;--faithful husband until she died, but he has not been a faithful father for I have had the care of these children since he left.

Com'r Needles:--Applicant presents a duly authenticated and certified copy of a marriage license and marriage certificate, which is ordered filed, certifying that ~~Mr~~ Charileous Miller and Mary E. ~~Mr~~ Walker were married according to the laws of the State of Texas on the 26th day of April, 1861.

Q Now Eather Cartwright was your child was she? A Yes, sir.

Q Born in wedlock while married to Mr. Crill Miller? A Yes, sir.

#7211.

D.#1078.--2.

Com'r Needles:--By reason of supplementary testimony taken this day and by reason of an error being made in the construction of the law when application was originally made for the enrollment of John H., Lelia Etta and William T. Cartwright, the judgment rendered by the Commission on the 30th day of August, 1900, as to the enrollment of the said John H., Lelia Etta and William T. Cartwright is annulled and will be held for naught, and the following judgment will be entered instead:

Whereas, satisfactory proof has been made to the Commission that John H., Lelia E. and William T. Cartwright are the children of Esther Cartwright by her husband, John H. Cartwright, and

Whereas, the testimony conclusively shows that the said Esther Cartwright was a child of Crill Miller and Mary E. Miller.

Whereas, the testimony further shows that the said Crill Miller was duly admitted to Cherokee Citizenship in the year 1878, and that the said Esther Cartwright, his daughter, was a minor at the time, 10 years of age.

Whereas, satisfactory proof has been made as to the residence of the said children for whom application is now made. The said John H. Cartwright, Lelia Etta Cartwright and William T. Cartwright, children of Esther Miller Cartwright, and grandchildren of Crill Miller, will be duly listed for enrollment as Cherokee citizens by blood, and their names will be erased from Rejected card No. 117, and placed upon what is known as a straight card.

By reason of further supplementary testimony, the name of Mary E. Miller will be erased from Rejected card No. 117, and placed upon what is known as a Doubtful card and final judgment as to her admission will be suspended.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 2d day of February, 1901.

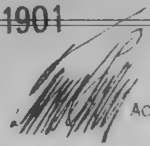
Commissioner

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 1 1901

 ACTING CHAIRMAN

The State of Texas,

County of Dallas

To any Judge of the District Court, Chief Justice of the County Court, Ordained, Minister of the Gospel, or Justice of the Peace in and for the County of Dallas, GREETING:

You are hereby authorized to celebrate the Rites of Matrimony between Charileous Miller and Mary E. Walker, and make due return to the Clerk of the County Court of said County, within sixty days thereafter certifying your action under this license.

Witness my official signature and seal of office, at office in Dallas this 26th day of April A. D. 1861.

Geo. W. Laws, Clerk of the County

Court of Dallas County.

By W. H. Thomas, Deputy.

I, W. B. Austin certify that on the 26th day of April 1861, I united in marriage Charileous Miller and Mary E. Walker, the parties above named.

Witness my hand this 26th day of May, 1861.

W. B. Austin,

The State of Texas

County of Dallas:- I, A. S. Jackson, County Clerk of Dallas County Texas do hereby certify that the above and foregoing is a true and correct copy of the Marriage Licence issued to Charileous Miller, and Mary E. Walker, together with the return thereon, as the same appear of record in my office in Book C. on page 123 of the Marriage Records of Dallas County, Texas.

Given under my hand and seal of office this 27th day of November A. D. 1900.

A. S. Jackson, County Clerk,

By *J. E. Jackson* Deputy.

Cherokee D 1078.

| | | | |
|---------|------------------|---|---------------------------------|
| No. 26. | Crill Miller |) | Claim of Citizenship. Before |
| | vs. |) | the Comn. sitting at Tahlequah, |
| | Cherokee Nation. |) | W. N. June 12, 1878. |

In this case it is alleged and proven, that an application has been made, to the National Council, for recognition, by applicant, as a citizen: And that the same has not been adjudicated. Applicant alleges Cherokee blood as the basis of his claims. A general denial was filed by the Nation.

The testimony fully established the fact of his Cherokee blood; and it is therefore decreed by the Comn. that said Crill Miller, claimant, be admitted to the rights and privileges of a Cherokee citizen by blood.

Attest: D. L. Nicholson,
Clerk Comn.

John Chambers,
President Comn.
O. P. Brewer, Comms.
Geo. Downing.)

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the record on file in this office.

Cella Nielsen

IN RE
THE DEATH OF

1. Myself, will
a citizen of the

Cherokee

Nation.

Approved MAR 27 1902

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

Mary C. Miller
(Here insert name of deceased.)

a citizen of the

Cherokee

Nation, who formerly resided at or near

Wagoner
(Here insert name of post office.), Ind. Ter., and died on the *14* day of *March*,*1901*

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, *Wm B Miller*, on oath state that I am *25*
years of age and a citizen, by *B. P. Miller*, of the *Cherokee* Nation;
that my post office address is *Wagoner*, Ind. Ter.; that I am
a son of *Mary E. Miller*
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by *Intermarriage* of the *Cherokee* Nation;
and that said *Mary E. Miller* died on the *14* day of
March, *1901*.
(Here insert name of deceased.)

WITNESSES TO MARK.

(Must be Two
Witnesses)

S. O. Chisum
M. L. Dudley

Jan 21 1902

Subscribed and sworn to before me this *21st* day of *January*, *1902*.

J. C. Starr
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, *Wm Jackson*, on oath state that I am *66*
years of age, and a citizen, by *Adoption*, of the *Cherokee* Nation;
that my post office address is *Wagoner*, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with *Mary E. Miller*
(Here insert name of deceased.)
who was a citizen, by *Intermarriage* of the *Cherokee* Nation;
and that said *Mary E. Miller* died on the *14* day of
March, *1901*.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two
Witnesses)

S. O. Chisum
M. L. Dudley

Wm Jackson
Jan 21 1902

Subscribed and sworn to before me this *21st* day of *January*, *1902*.

J. C. Starr
Notary Public.

Cherokee D 1078.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary E. Miller as a citizen by intermarriage of the Cherokee Nation.

O R D E R.

The record in this case shows that on August 30, 1900, Mary E. Miller appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment, among others, of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 1, 1901. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Mary E. Miller died on March 1, 1901. An affidavit to that effect is made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (Public No. 241), duly ratified as provided for in section seventy-five thereof, provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, ordered by this Commission that the application for the enrollment of Mary E. Miller as a citizen by intermarriage of the Cherokee Nation be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this MAR - 2 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 30 1900

[Handwritten signature]

117

Ft. Gibson,..... Indian Territory,

August 30th, 1900. 190 .

The Commission,

To the Five Civilized Tribes:

GENTLEMEN:

You are hereby advised that I desire that the application this day made by me for the enrollment of myself and those represented by me in said application, which was denied by the Commission, be submitted to the Honorable Secretary of the Interior for his consideration when the final roll of citizens of the Cherokee Nation is transmitted to him for approval.

Respectfully,

Mary E. Miller

No. R117.....

Mary E. Miller,

vs.

CHEROKEE NATION.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1078

Muskogee, Indian Territory, February 28,

1902.

Mrs. Mary E. Miller,

Wagoner, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 19 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate of readmission of Crill Miller,

Yours truly,

Commissioner in Charge.

Register.

Acting Chairman.

Cherokee D 1078

Vinita, Indian Territory, January 23, 1903.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Referring to the list of Cherokee cases held for further testimony, transmitted with the Commission's recent letter, the following note appears thereon as to case D 1078, Mary E. Miller:

"Death affidavit not in jacket: where is it?"

The death affidavit referred to is enclosed herewith.

Respectfully,

Clerk in Charge.

Encl-S-77

GRS

COPY.

Cherokee D-1078

Muskogee, Indian Territory, March 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 2, 1901, dismissing the application for the enrollment of Mary E. Miller as a citizen by intermarriage of the Cherokee Nation, she having died on March 1, 1901.

Respectfully,

W. B. Bixby.
Chairman.

Enc. M-4196

Cherokee D-1078

Muskogee, Indian Territory, March 7, 1903.

William B. Miller,

Wagoner, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 2, 1903, dismissing the application for the enrollment of your mother, Mary E. Miller, as a citizen by intermarriage of the Cherokee Nation, she having died on March 1, 1901.

Respectfully,

Chairman.

Enc. M-3196

Register



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mrs. Mary E. Miller, .

Wagoner, Indian Territory.

3072

Cher R 836

Cher R 836

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T., AUGUST 29, 1900.

In the matter of the application of George H. Remington for the enrollment of his wife, Mary Ann Remington, as a citizen of the Cherokee Nation, said Remington, being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your full name? A George H. Remington.
- Q How old are you? A 63.
- Q What is your post office? A Muskogee.
- Q What is your district? A I live in the Creek Nation, just about a mile over the line.
- Q Who is it you want to have enrolled? A My wife.
- Q Is that all? A Yes, sir.
- Q How have been married to her according to Cherokee law? A I was married in 1894 according to Creek law. We got married over in 1896.
- Q This marriage license and certificate you exhibit is a United States license and of course you cannot apply under that? A Yes, sir.
- Q You never have been married according to Cherokee Law? A No, sir.
- Q You do not apply for yourself, you just apply for your wife?
- A Yes, sir.
- Q Is she Cherokee by blood? A Yes, sir.
- Q What proportion of Cherokee blood does she claim? A Her mother was a full blood.
- Q Give me your wife's full name at this time? A Mary Ann Pruitt.
- Q She was a pruit when you married her? A Yes, sir.
- Q What was her name before that? A Rennolds.
- Q Did she have any name except Rennolds, Pruitt and Remington?
- A That is all I know of.
- Q Her maiden name was Rennolds? A Yes, sir.
- Q How old is she? A About 59 years old.
- Q Is she on any of the rolls of the Cherokee Nation? A Yes, sir.
- Q Is she on the 1880 roll? A Yes, sir; on all the rolls of the Nation.
- Q What was the name of her father? A Gid Runnolds.
- Q Is he a Cherokee or white man? A White man.
- Q Is he dead or alive? A Dead.
- Q How long has he been dead? A I could not tell you.
- Q What is the name of her mother? A I could not tell you.
- Q Where has your wife been living? A There with me; she has been at Muskogee.
- Q How long has she been living there with you? A Since 1896.
- Q Where did she live before that? A We lived over the river five years.
- Q Where was that? A About two miles from Fort Gibson Station. Since 1892 we lived there.
- Q Where did your wife live before that? A Lived over here by Grand River in the Cherokee Nation.
- Q Has she always lived in the Cherokee Nation until you took her to Muskogee in 1896? A Yes, sir.
- Q What was your wife's name in 1880, when she was enrolled; was she a Pruitt? A Mary Ann Pruitt.
- Q What district was she in then? A I think she was in the Delaware.
- Q Did she have your name in 1896? A Yes, sir.
- Q What district was she enrolled in 1896? A I do not know.
- Q What was her name when she drew her strip money; was she your wife then? A It was by the Creek law.
- Q Did she consider it as Remington? A No, sir, she drew under her old name.

George E. Remington2.

1894 enrollment; page 268, #3244, Mary A. Pruett, Cooweescoowee.

Q When were you married to your wife? A In 1894.

W. T. HUTCHINGS, Representative of the Cherokee Nation.

Q What do you mean by marrying your wife under the Creek law?

A I could not get married anywhere else and we got a preacher there to marry us. I got married there and the witness died and the preacher died; the river was up and he never give us out papers. He said our marriage was no good and we got married again.

Q You mean by that you never got your marriage papers? A Yes, sir

Q Your wife is not a Creek? A No, sir.

Com'r Breckinridge:

The applicant presents a duly authenticated certificate and marriage license showing that he was licensed by the Clerk of the United States Court, Northern District Indian Territory, December 31, 1896 to marry mMary Ann Pruett, of Muskogee, age 50 years, and the ceremony was performed by E. D. Camera, a Minister of the Gospel. This is filed with the application and it identified his wife's change of name.

Now, his wife is identified on the roll of 1894 under her name of Pruett. She is not identified on any other roll. The only name that is at all similar to hers on the roll of 1880 is marked dead, showing that in the enrollment of some member of the family that name has been reported on the roll as dead. That name is Mary Jane Pruett, age, in 1880, 27 years.

The application for Mary Ann Remington will now be placed upon a doubtful card, and the final decision of the Commission will be reported to the applicant as his post office address, and will be forwarded with all the papers in the case to the Honorable Secretary of the Interior for his final decision.

---ooo000ooo---

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes; he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stengraphic notes thereof.

John Q. Pessen


Subscribed and sworn to before me this 5th day of September, 1900.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 29 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date *August 29th* 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name *Mary A. Remington, Muskogee 27*

District *COOWEESCOOWEE* Year *1894* Page *208* No. *3242*

Citizen by blood *Geo 1/2* Mother's citizenship *Ed Reynolds - white - dead*

Intermarried citizen *Ms. Parents, " - chv -*

Married under what law Date of marriage

License *Filed Aug 29, 1900* Certificate *Filed Aug 29, 1900*

Names of Children:

| | | | | | |
|-------|------------|------------|------------|----------|-----------|
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
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| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |

** On 1894 Roll as Mary A. Pruetts
Marriage license and certificate attached.*

Warr

FILED

AUG 5 1900

Deputy.

Jan 19 1900

✓

By

AUG 29 1900

FILED

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 10 day of July 1897, at 361 M., and duly recorded in Book 1, Marriage Record, Page 361.

WITNESS my hand (and seal of said Court at Muskogee, in said Territory, this 10 day of July A.D. 1897

Jas. A. Winston. Clerk.

MARRIAGE LICENSE

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

No. 151

To Any Person Authorized by Law to Solemnize Marriage--Greeting :

You are Hereby Commanded to Solemnize the Rite and publish
the Banns of Matrimony between Mr. *Geo H Remington*
Muscogee in the *T.P.*, aged *56* years, and
Mrs Mary Ann Pruitt, of *Muscogee* in the
T.P., aged *50* years, according to law, and do you
officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muscogee, this *31st* day of
Decr, A.D. 1896.

Jas Remington
Clerk of the U. S. Court.

By Deputy.

CERTIFICATE OF MARRIAGE

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, *E. W. Cameron*, a Minister of the Gospel,
DO HEREBY CERTIFY, that on the *1st* day of *Jan* A.D. 189*7*
I did duly and according to law as commanded in the foregoing License, solemnize
the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *4th* day of *Jan* A.D. 189*7*

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,

Book *13*, Page *126-2-*

E. W. Cameron
A Minister of the Gospel.

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

this 6 day of Jan, A. D. 1897

Jas. A. Winston. Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., February 6, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of

Mary A. Remington,

as a citizen of the Cherokee Nation.

Commissioner.

COMMISSIONER

FILED

FEB 23 1902

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT. }

I, James A. Winston,, Clerk of the United States Court in the North-
ern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for
record in my office the 6 day of Jany 1897, at M., and duly
recorded in Book E, Marriage Record, Page 361.

WITNESS my hand and seal of said Court at Muskogee, in said Territory,
this 6 day of Jany, A. D. 1897.

Jas. A. Winston. Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., February 6, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of
the original offered in evidence in the matter of the application for enrollment of

Mary A. Remington, as a citizen of the Cherokee Nation.

 Commissioner.

RECEIVED
FEB 14 1902
FEB 23 1902
COMMISSIONER

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

No. 467

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between
Mr. Geo H. Remington, of Muscogee, in
the Indian Territory, aged 56 years, and Mrs Mary Ann Pruitt
of Muscogee, in the Indian Territory, aged 50 years,
according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 31st day of
Dec. A. D. 1896.

S E A L

Jas. A. Winston
Clerk of the U. S. Court.

By Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT,

I, E. D. Cameron, a Minister of the Gospel, Do HEREBY CERTIFY,
that on the 1st day of Jany, A. D. 1897, I did duly and
according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans
of Matrimony between the parties therein named.

WITNESS my hand this 4th day of Jany A. D. 1897.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
ritory, Northern District, Book B, Page 121 -2.

E. D. Cameron
A Minister of the Gospel.

its time and complete transcript of my stenographic notes thereof.
 testimony had this day in the above case, and that the foregoing
 Commission to the Five Civilized Tribes I correctly recorded the
 I, J. O. Rosson, do hereby certify that as stenographer to the

DEPARTMENT OF THE INTERIOR
 CIVILIZED TRIBES
 ACTING CHAIRMAN

Q 1800; A 1888, two years ago now.
 Q When did she die? A She died in 1888.
 Q Was your wife living at that time? A No, sir.
 Q Some of them tell me I went to your house.
 Q Yes, I went to Memphis that;
 Q You applied to the Commission in August of 1800 for the enrollment
 Q What is your boat called? A I live here, yes.
 Q What is your name? A George H. Remington.

COMMISSION:
 Iowa:

GEORGE H. REMINGTON, being duly sworn, testified as follows:

WAS A REMINGTON as a citizen of the Cherokee Nation;
 SUPPLEMENTAL TESTIMONY in the matter of the enrollment of

Muskogee, I. T., March 31, 1905.
 Commission to the Five Civilized Tribes,
 Department of the Interior.

Subj.-C.D.#555.

Supl.-C.D.#222.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MARY A REMINGTON as a citizen of the Cherokee Nation:

GEORGE H. REMINGTON, being duly sworn, testified as follows:

COMMISSION:

- Q What is your name? A George H. Remington.
Q What is your post office address? A I live here, yes.
Q You applied to the Commission in August of 1900 for the enrollment of your wife did you not? A Yes, I want to withdraw that; some of them tell me I would not hold.
Q Was your wife living at that time? A No, sir.
Q When did she die? A She died three years this august.
Q 1900? A 1899, two years ago from now.

---000000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Cherokee D 222

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mary A. Remington as a citizen of the Cherokee Nation.

D E C I S I O N .

o-o-o-o

On the 29th day of August, 1900, George H. Remington
appeared before the Commission at Fort Gibson, Indian Territory, and
made application for the enrollment of his wife Mary A. Remington,
as a citizen by blood of the Cherokee Nation.

The record further shows that on the 21st day of March,
1902, George H. Remington again appeared before the Commission at
Muskogee, Indian Territory, and withdrew the application he had
heretofore made for the enrollment of his wife Mary A. Remington,
upon the ground that at the time of the first application, herein-
before shown, the aforesaid Mary A. Remington was dead.

It is, therefore, the opinion of this Commission that the
application for the enrollment of Mary A. Remington as a citizen by
blood of the Cherokee Nation should be dismissed, and it is so
ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this Oct 13 1902

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4th 1902

Mr. George W. Remington,

Muskogee, Indian Territory,

Sir:-

You are hereby notified that the application of Mary A. Remington

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

20th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-222

Register.

Yours truly,

Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 17 1902



ACTING CHAIRMAN

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Murphy & J. 2/17/02

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Mary A. Remington for enrollment as
Freedmen of the Cherokee Nation.

D. M. Windom

No. 619 322.

Cherokee D 222.

Muskogee, Indian Territory, October 15, 1902.

George H. Remington,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 13, 1902, dismissing your application for the enrollment of your wife, Mary A. Remington, as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Register

Enclosure H. No. 8.

Cherokee D 222.

Muskogee, Indian Territory, October 15, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 13, 1902, dismissing the application of George H. Remington, for the enrollment of his wife, Mary A. Remington, as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Enclosure H. No. 9.

Cher R 837

Cher R 837

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 1st 1900.

In the matter of the application of George P. Beavers for the enrollment of himself, wife, children and step-children as Cherokee citizens. He having been first duly sworn before Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. George P. Beavers.
Q What is your age? A. 43.
Q What is your post office address? A. Siloam Springs.
Q What district do you live in? A. Goingsnake district.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood or inter-marriage? A. By inter-marriage.
Q Who do you desire to have enrolled? A. Myself, wife and family.
Q What is the name of your wife? A. Francis.
Q Have you a certificate of marriage? A. Yes sir.

The applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to ~~Mrs.~~ Jeannetta Toney, a Cherokee citizen by blood on the 28th day of January 1883.

- Q Is Jeannetta Toney still living? A. No sir.
Q When did she die? A. In 1886.
Q Have you married since? A. Yes sir.
Q What is your present wife's name? A. Francis R.
Q Have you a certificate of marriage to her? A. Yes sir.

The applicant presents a duly authenticated marriage license and marriage certificate, certifying that he was married to one Francis Parris, on the 9th day of May 1888, according to the laws of the United States; said marriage being solemnized in the State of Arkansas and County of Benton.

- Q Is Francis Parris a Cherokee citizen by blood? A. No sir.
Q A Non-citizen? A. An adopted citizen.
Q What was her first husband's name? A. Jesse Parris.
Q Was he a Cherokee citizen by blood? A. I suppose so.
Q Is he living? A. No sir.
Q What was her mother's name? A. Luanna.
Q Is she living? A. Yes sir.
Q Was a Cherokee citizen by blood? A. No sir.
Q Was your first wife living when you married your second one? A. No sir.
Q Was her first husband dead at the time? A. Yes sir.
Q Give me the names of your children? A. I have a step-son by my last wife named Jesse J. Parris.
Q How old is he? A. 15.
Q What was his father's name? A. Jesse Parris.
Q What was his mother's name? A. Francis Parris.
Q Do you apply for him? A. Yes sir.
Q Any other children? A. Yes sir my son by my first wife, named Willie Beavers.
Q How old is he? A. 14.
Q Any other children? A. Yes sir, Charles A. Beavers.
Q How old? A. 10.
Q Who is the mother of him? A. Francis R. Beavers.
Q He is a half brother to Willie then? A. Yes sir.
Q Next child? A. Kate L. Beavers.
Q How old? A. 8.
Q Next child? A. John P. Beavers.
Q How old? A. 6.
Q Next child? A. Mary E. Beavers.

a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 8 1900

 ACTING CHAIRMAN

George P. Beavers 43.

Q How old is Mary? A. 4.
Q Next child? A. George R. Beavers.
Q How old? A. 3.
Q Next child? A. That is all.

1886 roll, page 819, (No number given) George P. Beavers, Co. in snake.
1880 roll, page 593, No. 1385, Janette Toney, Illinois dist. N. C.
1880 roll, page 462, No. 1389, Jesse Parris, Co. in snake dist. N. C.
1886 roll, page 819, (No number given) Francis Beavers, Co. in snake. I. W.
1886 roll, page 726, No. 212, William Beavers, Doings snake dist.
1886 roll, page 776, No. 1574, Jesse J. Parris, " "

The name of Jesse J. Parris is found on the census roll of 1886, and he is identified as the son of ~~ESSEX~~ Jesse Parris, whose name is found on the authenticated roll of 1880, and of his wife Francis Parris, and satisfactory proof is made as to the marriage of the said Jesse Parris and Francis Parris, said proof having been filed with this case; consequently the said Jesse J. Parris will be duly listed for enrollment as a Cherokee citizen by blood.

The name of William Beavers appears on the census roll of 1886 and he is identified as the son of the applicant George P. Beavers and his first wife, Jeannette Toney, whose name appears on the 1880 authenticated roll under her maiden name; consequently the said William Beavers will be duly listed for enrollment as a Cherokee citizen by blood.

The applicant also applies for the enrollment of himself, wife and his children, Charles A., Kate L., John F., Mary E., and George W. Beavers, all children by his present wife, Francis Beavers, whom he avers was the widow of Jesse Parris. The name of the said Francis Parris is found on the census roll of 1886 as an inter-married white under the name of Francis Beavers, her present name. The applicant, George P. Beavers also appears on the census roll of 1886 as an inter-married white. The names of their children, Charles A., Kate L., John F., Mary E., and George W. Beavers are not found on any of the roll of the Cherokee Nation. It is averred that the last five children names are the children of Francis Beavers by her present husband George P. Beavers, satisfactory proof of marriage being presented, certifying that they were married on the 9th day of May 1888 according to the laws of the United States and in the State of Arkansas. Now comes the Cherokee Nation and protests against the enrollment of the said George P. Beavers, and his wife Francis Beavers and his children by said wife, namely, Charles A., Kate L., John F., Mary E., and George W. Beavers, pleading that the provisions of Section 666 of the Compiled Laws of the Cherokee Nation of 1892, prohibited the enrollment of said parties, to-wit: George P. Beavers, and his wife Francis and the children as named herein. Consequently the final judgment as to the enrollment of George P. Beavers and his wife Francis, and their children as named herein, will be suspended and they will be placed on a doubtful card for further consideration.

.....

Chas. von Weiss, being first duly sworn, states upon his oath that he reported in full all the above proceedings and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weiss

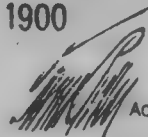
Subscribed and sworn to before me this the 3rd of December, 1890.

[Signature]

11/12/00
B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 1 1900



ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

1 ⁴³ George P. Beavers Date DEC - 1 1900 1900.
Name Silvan Spigo Ark
District GOV. 1 Year 1881 Page 819 No. ---
Citizen by blood no Mother's citizenship ---
Intermarried citizen yes
Married under what law --- Date of marriage 1883 1888
License --- Certificate ---
2 ¹² Frances
Wife's name ---
District --- Year --- Page 819 No. ---
Citizen by blood no Mother's citizenship ---
Intermarried citizen ---
Married under what law --- Date of marriage 1880 1888
License Filed DEC - 1 1900 Certificate Filed DEC - 1 1900

Names of Children:

| | | | | | |
|--------------------------------|------------------|-----------------|-----------------|-----------------|----------------|
| <u>1</u> <u>John S. Parris</u> | Dist. <u>---</u> | Year <u>---</u> | Page <u>776</u> | No. <u>1374</u> | Age <u>15</u> |
| <u>4</u> <u>Willie Beavers</u> | Dist. <u>---</u> | Year <u>---</u> | Page <u>726</u> | No. <u>212</u> | Age <u>14</u> |
| <u>5</u> <u>Charles A. "</u> | Dist. <u>---</u> | Year <u>---</u> | Page <u>---</u> | No. <u>---</u> | Age <u>10</u> |
| <u>6</u> <u>Kate L. "</u> | Dist. <u>---</u> | Year <u>---</u> | Page <u>---</u> | No. <u>---</u> | Age <u>8</u> |
| <u>7</u> <u>John F. "</u> | Dist. <u>---</u> | Year <u>---</u> | Page <u>---</u> | No. <u>---</u> | Age <u>6</u> |
| <u>8</u> <u>Mary E. "</u> | Dist. <u>---</u> | Year <u>---</u> | Page <u>---</u> | No. <u>---</u> | Age <u>4</u> |
| <u>9</u> <u>George R. "</u> | Dist. <u>---</u> | Year <u>---</u> | Page <u>---</u> | No. <u>---</u> | Age <u>2</u> |
| <u>---</u> | Dist. <u>---</u> | Year <u>---</u> | Page <u>---</u> | No. <u>---</u> | Age <u>---</u> |
| <u>---</u> | Dist. <u>---</u> | Year <u>---</u> | Page <u>---</u> | No. <u>---</u> | Age <u>---</u> |
| <u>---</u> | Dist. <u>---</u> | Year <u>---</u> | Page <u>---</u> | No. <u>---</u> | Age <u>---</u> |

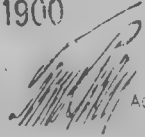
2 Dec. 1896 rolls as Francis Beavers

4 Willie Beavers

Notify Anthony P. Crafton, Muskogee
as to true fact for hearing & above
case

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 1 1900



ACTING CHAIRMAN.

off
wit
of

STATE OF ARKANSAS, }
COUNTY OF BENTON. } ss.

I, *Harry Hurst*

Clerk of the County and

Probate Courts within and for the County aforesaid, do hereby certify that the annexed and foregoing is a true
and correct copy of the *Record*

appears of record on page *162* of Record Book *20* therein set forth, and the same is as

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
official seal on this *16* day of *March* 18*98*

Harry Hurst

By *M. Douglas* Clerk.

— CERTIFICATE * OF * MARRIAGE —

MARRIAGE LICENSE



To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rites and publish
the Bans of Matrimony between Mr. *J. P. Bowers*
_____ in the County of _____
and State of _____ aged *31* years, and
Francis Parris _____
in the County of _____ and State of *Arkansas*, aged
30 years, according to law, and do you officially sign and
return this License to the parties herein named.

Witness my hand and Official Seal
this *9* day of *May* A. D. *1888*
John Black Clerk.
D. C.

CERTIFICATE * OF * MARRIAGE

STATE OF ARKANSAS,
County of *Benton* } *Mr Davis* do hereby
certify that on the *9* day of *May* *1888*, I did duly and according to
law, as commanded in the foregoing License, solemnize the Rites and publish the Bans of Matrimony
between the parties therein named.

Witness my hand, this *9* day of *May* A. D. *1888*
William Davis M. G.

(My credentials are recorded in Recorder's Office)

County, Ark. Book

Page

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEC 1 1900

FOR THE TRIBES

IS CHAIRMAN

July 5, 1883

Report on the X.O. 6111.

I hereby certify that the foregoing license has
been recorded in the Clerk's office of Tahlequah
District Cherokee Nation Given under my
hand and seal of office This 29th January 1893-

Allen Ross, Clerk

J.D.C.N.

I hereby certify that the within
Certificate is a true copy has been

recorded by me

J. M. Sammons, Clerk

Agent C. K. J. D. C. N.

July 5, 1893

RECEIVED OF THE
TO THE CIVIL
JUL 1 1900

X
Know all men by these presents that
I Allen Ross, Clerk of Tahlequah District
by virtue of the authority in me vested
by law, do hereby grant a License to George
Beavers a ^{citizen} Citizen of the United States to marry
Jeannette Toney a Cherokee, he having com-
plied with the law in regard to Intemar-
riage between white men or Foreigners and Cher-
okee women.

Therefore— Any ordained Minister of
the Gospel or Judge or Clerk of any of the
Courts of the Cherokee Nation—

You are hereby requested to
perform the Marriage Ceremony between
George Beavers and Jeannette Toney, and
return this License with a Certificate of
Marriage attached for Record in the
Clerks Office of Tahlequah District Cher-
okee Nation— Given under my hand
and seal of office

This 23rd January 1883.

Allen Ross, Clerk
Tahlequah District
Cherokee Nation

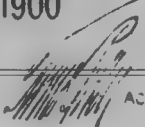
I hereby certify that I performed the Marriage
Ceremony between George Beavers & Jeannette
Toney on Sabbath evening January 28th 1883
at the residence of R B Ross

Allen Ross, Clerk
JOC:u

#2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 1 1900



ACTING CHAIRMAN

X

Clerks Office
Going Snake Dist
Cherokee Nation

April 22 Married at the Residence of
C. G. Duncan. (lessee Harris
a Native Cherokee and a citizen
of Going Snake Dist and
Miss Francis Humphries
a white woman by Rev
C. G. Duncan. Recorded 5th of
May 1880 W. C. G. Hamley
Clerk of Going Snake

Dist Cherokee Nation

I here by certify that the above
is a true copy of marriage
Record as appears in this
and is on Book of Record
of marriages on page 3

Given under my hand and
Seal of office on this the 28-
day of May 1890

J. R. Garrett Clerk
of Going Snake Dist
Cherokee Nation

2871 - 1/2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 15 1901

[Signature]
A. C. CHRYMAN

Muskogee, I 'T' February 14. 1901

Received from the Commission to the Five Civilized Tribes one copy
of the transcript of the oral testimony in the matter of the appli-
cation of George P. Beavers for himself, wife and children for
enrollment as Citizens of the Cherokee Nation, D. 871.


Attorney for the Applicants

Supl.-C.D.#871.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL IN THE MATTER OF THE ENROLLMENT OF GEORGE P.
BEAVERS, ET AL., as citizens of the Cherokee Nation:

The applicant and his attorney, Anthony Crafton, Muskogee, Indian Territory, were notified by registered letter February 19, 1902, that the application of George P. Beavers for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date they might appear before the Commission and introduce any further testimony affecting his application. Receipt has been acknowledged of Commission's registered letter, both by the Applicant and his attorney. The applicant having this day, to-wit: the 11th day of March, 1902, been called and fails to respond either in person or by attorney, the case is considered completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

---000000000---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings had this day in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

of the publication of George B. Peck's of St. L. 847.
 a fine and correct copy of the original offered in evidence in the matter
 Five Civilized Tribes, do hereby certify that the above and foregoing is
 the undersigned, a stenographer to the Commission to the
 Muskogee, Ind. Ter. June 4, 1905.
 Commission to the Five Civilized Tribes.
 Department of the Interior.

May, 1883.

Cherokee Nation.
 J. H. Garrett, Clerk of Court Snake Dist.

3. Given under my hand and seal of office on this the 22 day of
 Record as appears in this and is on Book of Record of Marriages on page
 I hereby certify that the above is a true copy of Marriages

Cherokee Nation.
 Clerk of Court Snake Dist.,
 A. C. Choumley,
 a white woman, by Rev. O. C. Duncan. Recorded 22nd of May, 1880.
 Cherokee and a citizen of Court Snake Dist., and Mrs. Francis Humphreys,
 Married at the Residence of J. H. Garrett, Tennessee Territory, a native
 Adult SS.

DEPARTMENT OF THE
 COMMISSION TO THE FIVE
 FILED
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Cherokee Nation.
 Clerk of Court Snake Dist.,
 J. H. Garrett's Office.

Clerk's Office,
Going snake Dist.,
Cherokee Nation.

April 22.

Married at the Residents of C.G.Duncan, Jesse Harris, a native Cherokee and a citizen of Going Snake Dist., and Miss Francis Humphries, a white woman, by Rev.C.G.Duncan. Recorded 5th of May, 1880.

W.C.Ghormley,
Clerk of Going Snake Dist.,
Cherokee Nation.

I hereby certify that the above is a true copy of Marriage Record as appears in this and is on Book of Record of Marriages on page 3.

Given under my hand and seal of office on this the 25 day of May, 1893.

J.R.Garrett, Clerk of Going Snake Dist.
Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, Ind.Ter., June 4, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of George P.Beavers et al. D 871.

Netta Chick

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of GEORGE P. BEAVERS for the enrollment of himself, his wife, FRANCES R. BEAVERS, and his children, CHARLES A., KATE L., JOHN F., MARY E. and GEORGE R. BEAVERS, as citizens of the Cherokee Nation.

DECISION.

The record in this case shows that on December 1, 1900, George P. Beavers appeared before the Commission at Tahlequah, Indian Territory, and made application, among others, for the enrollment of himself, his wife, Frances R. Beavers, and his children, Charles A., Kate L., John F., Mary E. and George R. Beavers as citizens of the Cherokee Nation. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said George P. Beavers, a white man, was first married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on January 28, 1883, to Jeannette Toney, a citizen by blood of the Cherokee Nation. His said wife Jeannette died in 1886. On May 9, 1888, the said George P. Beavers married one Frances Parris, a white woman. It appears that the said Frances Parris, at the time of her marriage to George P. Beavers, was the widow of one Jesse Parris, a citizen by blood of the Cherokee Nation, to whom she was lawfully married on April 22, 1880. The above named children are the issue of the marriage between George P. and Frances R. Beavers, formerly Parris, and their rights to enrollment are based upon such rights of Cherokee citizenship as are possessed by their parents. George P. Beavers and his wife, Frances R. Beavers, are identified on the Cherokee Census roll of 1896.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 666, of the Compiled laws of the Cherokee Nation (1892) provides:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application for the enrollment of George P. Beavers, Frances R. Beavers, Charles A. Beavers, Kate L. Beavers, John F. Beavers, Mary E. Beavers and George R. Beavers as citizens of the Cherokee Nation should be denied under the said provisions of the Act of Congress above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Acting Chairman.

[Signature]
Commissioner.

Dated at Muskogee, Indian Territory,

this

OCT 30 1902

[Signature]
Commissioner.

L

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11

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 25 1902

[Handwritten signature]

COMMISSIONERS:
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19,

1902.

Mr. George P. Beavers,

Sileam Springs, Arkansas.

Sir:-

You are hereby notified that the application of **yourself , your wife and five**
minor children
for enrollment as citizen of the Cherokee Nation will be taken up for final consideration
by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 11 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to Anthony Hrafton
Muskogee, I.T.

Yours truly,

Cherokee D-871
Register.

~~XXXXXXXXXXXX~~
Acting Chairman.

Commissioner in Charge.

Cherokee D 871.

Muskogee, Indian Territory, October 31, 1902.

George P. Beavers,
Siloam Springs, Arkansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 30, 1902, rejecting your application for the enrollment of yourself, your wife, Frances R. Beavers, and your five minor children, Charles A., Kate L., John F., Mary E. and George R. Beavers, as citizens of the Cherokee Nation. There has heretofore been furnished your attorney, A. P. Crafton, Muskogee, Indian Territory, a copy of the record of the proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

R.

Acting Chairman.

Register.

Enclosure H. No. 22.

Cherokee D 871.

Muskogee, Indian Territory, October 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of George P. Beavers for the enrollment of himself, his wife, Frances R. Beavers, and his five minor children, Charles A., Kate L., John F., Mary E. and George R. Beavers, as citizens of the Cherokee Nation, including the Commission's decision, dated October 30, 1902, rejecting said application.

Respectfully,

E.
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 25.

Cherokee D 871.

Muskogee, Indian Territory, October 31, 1902.

A. P. Crafton,

Attorney for George P. Beavers et al,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 30, 1902, rejecting the application of George P. Beavers for the enrollment of himself, his wife, Frances R. Beavers, and his five minor children, Charles A., Kate L., John F., Mary E. and George R. Beavers, as citizens of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

G. R. [Signature]

Acting Chairman.

Register.
Enclosure H. No. 23.

Cherokee D 871.

Muskogee, Indian Territory, October 31, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 30, 1902, rejecting the application of George P. Beavers for the enrollment of himself, his wife, Frances R. Beavers, and his five minor children, Charles A., Kate L., John F., Mary E. and George R. Beavers, as citizens of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enclosure H. No. 24.

COPY.

Refer in reply to
the following:

Land
66030-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Nov. 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made October 31, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of George P. Beavers, and Frances R. Beavers and her children Charles A., Kate L., John F., Mary E., and George R., for enrollment as citizens of the Cherokee Nation.

The evidence shows, as found by the Commission, that George P. Beaver, who is a white man, was married under a Cherokee license in accordance with the laws of the Cherokee Nation on June 28, 1883; ^a that his wife died in 1886 and on May 9, 1888, he married Frances parris, a white woman; that she was then the widow of Jesse parris, a citizen of the Cherokee nation, to whom she was married April 22, 1880. The children above named are the issue of the last mentioned marriage. The name of George P. Beavers and that of his wife, Frances R., appears on the 1896 census roll.

The Commission declined to enroll the applicants because of the following section of the Cherokee Law: --

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall

-2-

continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of t his act shall cease."

The office agrees with the Commission and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

WCV
D

3 inclosures.

D.C.23675.

EAF.

DEPARTMENT OF THE INTERIOR.

Washington, December 1, 1902.

ITD.7101-1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

October 31, 1902, you transmitted the record in the matter of the application for enrollment of George P. Beavers, his wife, Frances R. Beavers, and their children, Charles A., Kate L., John F., Mary E. and George R. Beavers, as citizens of the Cherokee Nation.

As stated in your decision of October 30, 1902, the evidence shows that George P. Beavers, a white man, was first married under Cherokee law, on January 28, 1883, to Jeannette Toney, a Cherokee citizen by blood; that she died in 1886; that in May, 1888, he married Frances parris, a white woman, who at that time was the widow of one Jesse parris, a Cherokee citizen by blood; that the children above named are the issue of the marriage of George P. and Frances R. Beavers, and that their right to enrollment depends upon that of their parents. You denied the application as to all the applicants in accordance with section 666 of the Compiled Laws of the Cherokee Nation, which declares:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case all of his or her rights acquired under the provisions of this act shall cease."

-2-

The Commissioner of Indian Affairs forwarded the papers November 14 and recommended approval of your decision. A copy of his letter is inclosed.

The Department affirms the decision rendered.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee D 871.

Muskogee, Indian Territory, December 20, 1902.

George P. Beavers,

Sileam Springs, Arkansas.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 30, 1902, rejecting your application for the enrollment of yourself, your wife, Frances R. Beavers, and your five minor children, Charles A., Kate L., John F., Mary E. and George R. Beavers, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 1, 1902.

Respectfully,

Acting Chairman.

Cherokee D 871.

Muskogee, Indian Territory, December 20, 1902.

A. P. Crafton,

Attorney for George P. Beavers et al,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 30, 1902, rejecting the application of George P. Beavers for the enrollment of himself, his wife, Frances R. Beavers, and his five minor children, Charles A., Kate L., John F., Mary E. and George R. Beavers, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 1, 1902.

Respectfully,

Acting Chairman.

Cherokee D 871.

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 30, 1902, rejecting the application of George P. Beavers for the enrollment of himself, his wife, Frances R. Beavers, and his five minor children, Charles A., Kate L., John P., Mary E. and George R. Beavers, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 1, 1902.

Respectfully,

James E. Kirby.

Acting Chairman.

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